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NOTICES TO CORRESPONDENTS.

The Act regulating the retiring pension of the Lord Chancellor is the 2 & 3 Will. 4, c. 111. There are now four ex-Chancellors, each entitled under that Act to a pension of £5000 a year:—Lords Lyndhurst, Brougham, St. Leonards, and Cranworth.

THE SOLICITORS' JOURNAL.

LONDON, APRIL 2, 1859.

ELECTIVE JUDGESHIPS.

The City of London is now the scene of a contest such as, fortunately, does not often occur in England. There is a vacancy in the judgeship of the Sheriffs' Court, the filling up of which depends upon the votes of the majority of the Common Council; and several gentlemen are in the field as candidates for the office. Without at all desiring to influence the electors in their choice, we cannot avoid remarking upon the manner in which some of these aspirants for judicial honours have been urging their claims. Almost as soon as the public were aware of the death which caused the vacancy, Mr. Anderton announced, at a meeting of the Common Council, that he had been already pestered with numerous written applications for his vote. Immediately afterwards, paragraphs appeared in the morning journals, eulogising one or another of the candidates, the amount of praise being determined evidently by the candidates' own modesty. It seems that even the tumultuous excitement of public meetings has not been wanting to awaken enthusiasm in favour of at least one of these gentlemen. Placards have not yet been resorted to, and probably may not during this election, or until the constituency becomes so large as to require such appliances. By the time, however, that the Corporation Reform Bill is fully matured and fit to pass the Legislature, it is not impossible that the power of election now vested in that enlightened body, the Common Council, may be transferred to a very much larger number of persons, including many of those who take the deepest interest in the working of our inferior courts. We shall then, no doubt, have a more striking development of the recent system of canvassing for judicial office, although, for a first attempt, it cannot be denied that considerable progress has already been made. If public demonstrations and newspaper squibs are necessary to enable common councilmen to arrive at a rational and honest conclusion as to the fitness of a proposed judge, probably candidates under the new *régime* will not consider it imprudent to call in the aid of beer and bands of music. Indeed, assuming the principle to be right, there is no reason why all the machinery of ordinary contested elections should not be brought into play on such occasions.

Unfortunately we have never been able to give much consideration to the question, whether, in a free State, a judge ought to be elected by those whose cases he most probably would have to decide. There is a smack of English fairness and honesty in the proposition that forcibly appeals to us. It moreover places the representative principle in a new light, and enunciates it a new abstract form. We recommend the subject, therefore, to the Discussion Forum and the Whittington Club, where we have no doubt it will receive the calm and impartial consideration which it requires. We have no doubt that, if the eloquent gentlemen who enlighten these audiences were able to collect the opinions of the persons who practically take the greatest interest in the decisions of Mr. Henry and the other metropolitan magistrates, many ingenious arguments might be elicited in support of a measure embodying the principle in question. It may be suggested, however, that until such a measure receives the sanction of Parliament—or, at all events, until the general public is more completely convinced of its policy—it would be desirable that candidates for City judgeships (where the principle is to some extent recognised) should remember that a very strong prejudice still exists in this country in favour of whatever is decent, and perhaps even of whatever is dignified, in relation to the judicial bench, and all the approaches that lead to it.

JOINT STOCK COMPANIES' LEGISLATION.

Mr. Wordsworth, who has long been known as the author of the best treatise on the Law of Public Companies, has recently published a work on what he calls "The New Joint Stock Company Law."* By doing so, he has, perhaps unintentionally, made a very useful contribution to the cause of law reform. Such a concatenation of blunders in a series of legislative attempts has rarely been exposed to the vulgar gaze, by the mere process of collation. We can hardly expect that many persons have had the courage to face the task of reading the numerous Companies' Acts of 1855, 1856, 1857, and 1858. But it has been our fate at times to wander amid these cruel mazes. It was, therefore, not without a throb of sympathy we learned that a veteran author had ventured into the labyrinth, in the hope of finding some clue to its tortuosities. Mr. Wordsworth, however, in this matter has only had to pay the penalty of men who have a *specialité*. They must master whatever belongs to their own department, or make way for those who will. That is, provided the thing can be mastered, as to which it becomes one in the present case not to be too positive, confident as we are in Mr. Wordsworth's knowledge and ability.

Everybody remembers the very first enactment of the Joint Stock Companies' Act of 1856. Sect. 2 provided that the Act should not apply to banking or insurance companies; the result of which was to make it extremely doubtful whether the latter class of companies were still governed by the 7 & 8 Vict. c. 110, or were cut entirely adrift from the statute law of the realm; the latter, we understand, being the interpretation of the Registrar of Joint Stock Companies. In 1857, the section was expressly repeated as to banking companies, and by another Act as to insurance companies; and it now remains in the statute-book only as a monumental blunder. It would be obviously impossible for us to go through the Act of 1856 in detail. Suffice it to say, that it relates to the constitution and incorporation of joint-stock companies (including "limited" companies, constituted under the

* London: Shaw & Sons.

Act of 1855); their management, and also their winding up by means of "official liquidators," and other novel appliances. The session following produced another Act, which we are told may be cited for all purposes as the Joint Stock Companies' Act, 1857; whereas the Act of 1856 assumes the new designation of the "principal Act," so far as the same is not thereby repealed. Then came the Banking Companies Act, 1857, with which are incorporated the Joint Stock Companies' Acts, 1856, 1857, and the Joint Stock Companies' Winding up *Amendment* Act, 1857. On the same day, another Act (20 & 21 Vict. c. 80) received the Royal assent; by which, after reciting it was expedient that a *further* amendment should be made in the Joint Stock Companies' Act, 1856, it is enacted that the Acts of 1856, 1857, shall not be deemed to repeal the 7 & 8 Vict. c. 110, as respects insurance companies; with a proviso, that if any insurance company formed under the last-mentioned Act had, during the interval between the passing of the Act of 1856 and of that Act, acted as if the 7 & 8 Vict. had been repealed by the Act of 1856, then, so far as affected "the mutual rights and relations" of the said company, &c., the 7 & 8 Vict. should be deemed to have been repealed! A specimen of legislation which for anomaly and botchery cannot be matched in the whole statute-book!

Eighteen hundred and fifty-eight, of course, gave birth to another Act, which, we are told, may be cited as "The Joint Stock Companies' Amendment Act, 1858," and is to be included in the expression, "Joint Stock Companies' Acts," as thereinafter used—"unless there is something in the context inconsistent with its being so included!" which will give the reader a notion of the jaunty style of the composition generally. This Act purports to *explain* and amend the Joint Stock Companies Act of 1856, 1857, and the Banking Act of 1857. In the same session another Act was passed, to repeal so much of the Banking Act of 1857 as prohibited banking companies from being registered with limited liability; and our readers are aware that early in the present session the Lord Chancellor introduced a voluminous Bill, explaining, amending, altering, adding to, and professing to consolidate, the foregoing Acts. Some weeks ago we called attention to the scandalous misnomer of this Bill, which is called the "Trading Companies Winding-up" Bill; while, in truth, it is mainly devoted to the *incorporation* and *regulation*, not of trading companies only, but expressly of "other associations," formed "for any other purpose than that of gain." This Bill has passed through the House of Lords almost without notice, probably on account of its misleading title, which seems to have succeeded in shutting the eyes of the Lord Chancellor himself to its real character. We have already pointed out some of the strange novelties proposed to be enacted by this Bill, which, by-the-bye, Lord Chelmsford presented to the House of Lords as a mere Consolidation Bill. The preamble states that it is intended to amend as well as consolidate, and if it only reduced the mass of confusion which the sessions of 1855, 1856, 1857, and 1858 has added to our public companies law, into something like an intelligible code, it would be a work of no little utility. But no one can hope for such a result after even a cursory glance at its provisions, and the loose and vague language in which they are expressed.

It should not be forgotten that, while this lumbering series of statutes is being added to our statute book, we have a statute law commission, with Mr. Bellenden Ker, a paid chairman, quietly looking on. Indeed, as among Mr. Ker's other duties, we are told he has the office of advising the Lord Chancellor on current legislation, we must assume that, if he has ever glanced beyond the titles of the Acts in question, they received his approval.

How much longer is the present paid commission and system of Parliamentary drawing to continue? If there were sufficient honesty of purpose and repugnance to jobbery in those who have the power in these matters, what Jeremy Bentham called the "mechanics" of our legislation would be speedily put upon a very different footing; the intolerable evils that result from the present slap-dash system of Parliamentary drawing would forthwith be stayed; and thus one of the easiest and most effectual legal reforms that could be suggested, would be carried out with an actual saving of expense to the country. We repeat with a saving of expense, for the first step would be to abolish the commission, which of itself would be a great reform, even though no substitute were provided in its stead. The next step would be to employ draftsmen for particular Bills according to their special qualifications; to whom ought to be given not merely the price but also the credit of their work. The present system is to assign work of the most various kinds to the same individual, who gets the money, while the Government get the credit or discredit, as the case may be, of what he accomplishes necessarily in an off-hand and perfunctory manner. We may be sure that when any discredit is going, the whole body of lawyers come in for more than their fair share of it.

Mr. Wordsworth, in an introduction to his recent work, points out many anomalies and difficulties which have sprung from the legislation of the last four years as to public companies. In his note on the bankruptcy of companies, and on their winding-up without reference to any question of bankruptcy, may be seen what confusion and uncertainty are now spread over the whole subject.

BANKRUPTCY LAW REFORM.

VII.

With reference to private arrangements, both Bills contain provisions for remedying defects in the present law. The effect of the decision in *Tetley* v. *Taylor* (1 Ell. & Bl. 534), is counteracted by enacting, that it shall not be requisite to provide for the distribution of the entirety of the debtor's estate, in order to bring the deed of arrangement within the Act. Every such deed is very properly required to be registered or filed in Court, and gazetted, in order to bind creditors who do not execute it, but except for this purpose it is not absolutely necessary to register the deed. Lord John Russell's Bill also contains most useful provisions, vesting in the Bankruptcy or County Court, in which the deed may be registered, jurisdiction over the debtor and trustee of the deed, and all the powers of the Court of Chancery, for enforcing the performance of the trusts contained in it. On grounds of public policy, we should have been glad if the registration of composition deeds and assignment had been required even where every creditor concurred, in order to put an end to secret arrangements, but we are aware that there would be great difficulty in preventing such provisions from being evaded. We think, also, that in all cases the proportion of creditors required to bind the minority should be the same. By the Government Bill the concurrence of six-sevenths in number and value is necessary to bind the remaining one-seventh in arrangements by deed; by Lord John Russell's Bill, the proportion required in such cases is a majority in number, and four-fifths in value; whilst both Bills provide that three-fifths in number and value shall bind the remaining two-fifths in cases of arrangement under the superintendence of the Court. We are aware that the difference in the latter case is grounded upon the fact of the arrangement being made in Court; but as the question really is as to the proportion of creditors who should be bound without their consent for the general benefit of the whole body, we do not see sufficient reason why there should be any difference. The debtor will generally have no more difficulty in obtaining a majority in number and four-fifths in value, than in securing three-fifths in number and value, as the small creditors are often most un-

willing to concur, and it would be more simple and uniform to provide that, in all cases, the majority required should be the same.

It is difficult to say where the line should be drawn, or to state arguments in favour of one proposition against others only slightly differing from it, but we think the requirement of a majority in number affords sufficient protection to the small creditors against the few large ones, and that no injustice can be done to the latter if four-fifths in value be required to bind the rest. The adoption of these proportions possesses the further advantage of assimilating our law to that of Scotland. We cannot concur in the views expressed by one of the learned Commissioners, and by several eminent solicitors practising in the Bankruptcy Courts, that private arrangements should not in any case be allowed to be binding upon a small minority of creditors who do not concur; as our experience convinces us that the few who refuse to come in are generally actuated by a determination to obtain better terms than the rest, instead of being influenced by the patriotic motives for which credit has been given them. Unfair practices by debtors are more prevalent in cases of composition than under assignments, and if a summary remedy against trustees of assignments be provided, we have no doubt they will be most frequently resorted to; but where compositions are accepted, the creditors should in all cases object to the instalments being spread over an extended period, the tendency of which is to enable the debtor to obtain fresh credit in order to pay off the old debts, instead of realising his existing assets for that purpose.

Lord John Russell's Bill contains provisions for administering the estates of deceased insolvents, but the clauses are not comprised in the new Bill introduced by the Lord Chancellor, though the Government Bill of last session contained them. It appears to us that this portion of Lord John Russell's Bill requires very careful consideration and revision. In the first place, we do not understand why its operation should be confined to cases in which the deceased debtor was a trader, *or* had committed an act of bankruptcy within three months previous to his decease; and we think such a limitation would occasion greater anomalies than at present exist. On the other hand, we think the Bill contains no sufficient safeguard against the application of its provisions to solvent estates, for which the machinery of the Bankruptcy Court is wholly unfitted. It is true that the representatives of the deceased debtor are allowed to show cause against the adjudication; but we have no doubt that in many cases of solvent estates, the representatives will forbear from showing cause, in order to procure an administration of their testator's estate, in a more expeditious and economical manner than can be obtained through the Court of Chancery. We think the only mode of remedying these defects is, to strike out the requirement as to the trading *or* act of bankruptcy, and insert provisions, enabling creditors to obtain a compulsory Act of bankruptcy against the debtor's estate; and in order to prevent solvent estates from being dealt with, the Court should, in every case, be satisfied of the fact of insolvency, before making an order for distribution. The Bill contains a very useful clause, for compelling creditors of insolvent estates who have been paid in full, to refund. The necessity for some provision of this sort has been often felt, but we think it might be made still more effective, if power were given to the Court to restrain the representatives of deceased insolvent debtors from making any preferential payments to creditors where an order for distribution has not been made; and this injunction should be obtainable by a creditor at any time after the debtor's decease, on satisfying the Court that there is reasonable cause for believing that the estate is insolvent.

Subject to these remarks, we consider the proposed transfer of the jurisdiction from the Court of Chancery to the Bankruptcy Court a most important and valuable improvement of the law; and we trust that nothing will occur to prevent the enactment of the clauses which provide for it, with such amendments as will ensure their safe and efficient working.

SOLICITORS' BENEVOLENT ASSOCIATION.

We have much pleasure in calling the attention of our readers to the half-yearly meeting of the Solicitors' Benevolent Association, which will be held at the Law Institution, in Chancery-lane, on Monday, the 11th of April, at eleven o'clock. At five in the evening of the same day the Lord Mayor will take the chair at the first annual dinner in aid of the funds of the association, at the Albion-tavern, Aldersgate-street. This excellent institution deserves the warm support of the entire profession; its objects being to relieve the poor and necessitous widows and families of deceased members throughout England and Wales, and such members as may be incapacitated from pursuing their profession. It is intended, also, that the benefits of the association shall be extended, in *special cases*, to the widows and families of members of the profession who have not been subscribers. A payment of £10 10*s.* constitutes a life member; and a payment of £1 1*s.* as an admission fee, with an annual payment of £1 1*s.*, constitutes an annual member. We trust that the list of subscribers, already numerous, will soon be adequate to the extended usefulness aimed at by the society.

The Courts, Appointments, Vacancies, &c.

COURT OF CHANCERY.

(Before the Lords Justices of Appeal.)

Kiver v. *Oldfield.*—*Mar.* 25.

This was a question of construction of a will, arising on words used in the preparation of the instrument by the late eminent conveyancer, Mr. John Hodgson.

The case was described by Lord Justice Knight Bruce as one which afforded a lesson to guard a man against self-confidence, since the question had arisen upon a draft issued from the chambers of so able, so careful, so learned, and so accomplished a lawyer as the gentleman who prepared it. The facts were as utterly uninteresting as are mostly those arising on questions of construction.

Their Lordships varied the decree of the Master of the Rolls.

COURT OF PROBATE.

(Before Sir C. Cresswell.)

Swinfen v. *Swinfen.*—*Mar.* 30.

This was a cause of proving in solemn form the will of the late Samuel Swinfen, the particulars of which appeared in last week's journal.

His Lordship now gave judgment, refusing the application for the payment of costs out of the personal estate, agreeing with the Master of the Rolls in his decision in Chancery, and which would leave the parties just where they were.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner Goulburn.)

In re Ingham.—*Mar.* 26.

To-day was appointed for his Honour to give judgment in the case of this bankrupt, a grocer in High Holborn, and who had been opposed on the grounds of altering and fabricating books and concealment of property.

His Honour went through a variety of cases, on which he came to the conclusion that this was one which he ought to send to a jury, and he should do so without expressing any opinion on the evidence. He should direct the assignees to prosecute; and, in the event of there not being sufficient assets on the estate, the costs would be paid out of the fund standing in the name of the Accountant-General in Bankruptcy. The certificate would be adjourned for six months, to give time for the prosecution.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner Goulburn.)

Re Ellis.—*Mar.* 31.

The bankrupt was a jeweller, of Halesworth. He applied

for his certificate about a week ago, when he was opposed by Mr. Taylor, for the assignees.

His Honour now gave his decision. He said:—The granting of the certificate was opposed on three grounds—first, that the bankrupt had given his father-in-law a fraudulent preference; secondly, that he continued trading after he ought to have known that he was insolvent; thirdly, that he did not keep any regular books. In support of the first objection, it was proved that the father-in-law had advanced to the bankrupt a sum of money in 1850, and that he obtained a warrant of attorney, which was regularly registered. In November, 1858, one of the bankrupt's creditors directed his attorney to take proceedings against the bankrupt for a considerable sum of money. On receiving a letter to this effect, bankrupt went to an attorney, and the attorney advised him to assign over all his property for the benefit of his creditors. The bankrupt declared that he left the management of the business entirely to the attorney. The attorney to whom he applied was the attorney of the father-in-law, and had drawn the warrant of attorney. Immediately after this meeting, a judgment was entered, and execution issued at the suit of the father-in-law. The bankrupt afterwards made an assignment, and declared that he had nothing to do with issuing the execution. It does not appear to me that there is evidence to prove that the bankrupt gave or intended to give his father-in-law any preference. The warrant of attorney was registered, and on the attorney ascertaining that the bankrupt must stop payment he would naturally advise that it should be put in force. As to the second objection, it is not a bad case of trading after insolvency, but if it were, the Act of Review has decided it is not sufficient to stay a certificate (*Ex parte Johnson*, 4 De Gex, s. 25). As to the third objection, there is no fraud proved as to preparing the accounts. I shall grant a second-class certificate, immediate.

WESTMINSTER POLICE COURT.—*Mar.* 26.

Mr. Arnold gave judgment in a case of commercial importance, involving the outlay of upwards of £2000, at Messrs. Elliott & Watney's brewery, Westminster. The facts of the case are set forth in the decision.

The worthy magistrate said, the defendants were summoned under the 4th clause of the 27th section of the Metropolitan Building Act, 18 & 19 Vict. c. 122, which enacts, that "every warehouse or other building used either wholly or in part for the purposes of trade or manufacture, containing more than 216,000 cubic feet, shall be divided by party walls in such manner that the contents of each division thereof shall not exceed the above-mentioned number of cubic feet." The summons taken out by the district surveyor alleged that the defendants had erected a building, forming part of the Stag Brewery, Pimlico, which building was used, or was to be used, wholly or in part for the purpose of trade or manufacture, and which contained more than 216,000 cubic feet, and not divided by party-walls in such manner that the contents of each division thereof should not exceed 216,000 cubic feet.

After recapitulating the facts, Mr. Arnold said that a case had been heard at the Southwark Police Court in May, 1858, which appeared to decide the point involved here. It would therefore be sufficient for him to say that he should feel bound by the authority of that decision; but he would add, that he entirely concurred in it. It was clear that the word "building" was used in different senses in different parts of the Act,—either to signify the whole of a structure or fabric, or different tenements forming portions of such fabric. That appeared by the 2nd clause of the 27th section, but the question under consideration was entirely set at rest by the provision of the 3rd clause—"If any building in one occupation is divided into two or more tenements, each having a separate entrance and staircase, or a separate entrance from without, every such tenement shall be deemed to be a separate building for the purposes of this Act." The magistrate concluded, the "building" in question, that is, the whole structure, was in "one occupation," was "divided into two tenements, each having a separate entrance from without," and therefore each tenement was "a separate building for the purposes of the Act."

Mr. *Bodkin* said, the commercial world would be greatly indebted to Mr. Arnold for his decision, which would protect them from vexatious interference in the outlay of enormous capital, he did not, however, mean any offence of Mr. Howell, the surveyor, who had only done his duty.

Mr. Howell expressed himself perfectly satisfied with the judgment, and said, that he had merely in the routine discharge of his duty brought the case there for the magistrate's decision.

HOME CIRCUIT.—Kingston.

(Before Mr. Justice Wightman.)

Granville v. *Richardson and Wife.—Mar.* 28.

This was an action to recover damages for a libel.

The defendants pleaded "Not Guilty," and a justification.

Mr. *James* said, the plaintiff in this action was Miss Pauline Granville, the daughter of an eminent physician in Curzon-street, Mayfair; and the defendant, Mr. Charles Richardson, was a solicitor, and the action was brought to recover damages for a libel that had been published by his wife, and which was contained in certain letters and a printed pamphlet, both of which contained matter that most seriously reflected upon the character of the plaintiff. The declaration alleged that in consequence of these libellous statements a marriage that was in contemplation between the plaintiff and a gentleman of position and a clergyman, had been broken off, and she was compelled to bring the present action to vindicate her character from the serious aspersions that had been cast upon it by the statements that were contained in the libels in question. The defendants had pleaded "Not Guilty," and a justification, but he was happy to inform the jury that an arrangement had been come to between the parties, the precise nature of which would be explained to them by his learned friend, Mr. Serjt. *Shee*, who appeared for the defendants, but the effect of which would be that all imputations upon the character of the plaintiff would be entirely withdrawn, and that there would be an expression of regret that, under a misapprehension of the facts, any such statements should have been made. The defendants would, at the same time, consent to a verdict, with £1000 damages, passing against them.

Mr. Serj. *Shee* said that, on the part of Mrs. Richardson, he was instructed to state that, under feelings of irritation, caused by imputations which she was informed had been thrown upon her character by Miss Granville, but which that young lady wholly repudiated, she wrote the letters for which the present action was brought. At the time these letters were written, however, she believed that the matters contained in them were true, but finding that she had been misled into that belief by persons whom she had since ascertained to be totally unworthy of credit, she had now no hesitation in expressing her regret at having made them. Understanding, at the same time, that the statements referred to had, undoubtedly, been the cause of great distress of mind to Miss Granville, and at the same time had also caused her some actual injury, she made no difficulty as to the amount of compensation suggested, and would therefore consent to a verdict for the amount of damages that had been mentioned.

The jury, therefore, returned a verdict for the plaintiff—damages, £1000.

The nature of the alleged libel was, of course, not further alluded to, but it was stated that part of the arrangement between the parties was, that the whole of the letters, and also the copies of the printed pamphlet, should be given up and destroyed.

Since the publication of the above, Mr. Richardson has forwarded to the Editor of the *Times* the following letter from Mr. Serjeant Shee:—

GRANVILLE *v.* RICHARDSON.

Home Circuit, March 29.

Dear Sir,—The report in the *Times* of this morning is accurate in all respects but one.

It omits the express assent of Mr. James, who addressed the jury a second time for that purpose only, to my statement, that Miss Granville wholly repudiated the imputations which had given pain to Mrs. Richardson.

The noise and confusion which prevailed in the court at this time, were, I have no doubt, the cause of this omission.

Make what use you think right of this note, and believe me, dear Sir, very truly yours, William Shee.

Charles Richardson, Esq.

OXFORD CIRCUIT.—Warwick.

(Before Mr. Justice Erle.)—*Mar.* 24.

Two tradesmen, named Clement Paine and Isaac Hill, were charged with stealing two title deeds, the property of Edwin Barlow, of Birmingham.

Mr. Barlow deposed that he went to London on the 1st of November, at which date he left in an iron chest at his warehouse two deeds. One of them was a conveyance of land, in Middlesex, and had been left with him as security for a loan of £50; the other deed was the counterpart of a lease of a house, prosecutor's own property. He returned from London on the 4th of November, and was informed that, on the preceding night, the warehouse had been entered, the chest forced open, and the title deeds stolen.

The prisoner Paine, on being charged with the offence, admitted having found them, and taken them to Hill's house, where they were burnt.

His LORDSHIP carefully summed up, and pointed out to the jury the extremely doubtful nature of the case. There were facts connected with it of great suspicion; and the burning of the documents certainly looked like the mode in which dishonest persons disposed of property of which they could make no profit.

The jury gave the prisoners the benefit of the doubt, and acquitted them.

(Before Lord CAMPBELL.)

Lyster v. *Hill.—Mar.* 26.

This was an action for money lent.

The plaintiff is a gentleman residing near Birmingham, and the defendant, a solicitor, living chiefly at Boulogne, but having also a residence in England. The declaration averred that the defendant was indebted to the plaintiff for money lent and interest, as per statement annexed; to which the defendant pleaded—firstly, that he was never indebted; secondly, that the amount had been paid; thirdly, a set-off; and fourthly, that he had advanced money to the plaintiff on securities. After some conversation, it was arranged that the whole case should be referred to a Master in the Court of Common Pleas, with full power to decide what shall be done between the parties.

NORTHERN CIRCUIT.—LIVERPOOL.

(Before Mr. Justice BYLES.)

Bracegirdle v. *Bayley.—Mar.* 25.

This was an action for slander, in imputing to the defendant, an attorney, that he had committed forgery.

The defendant pleaded "Not Guilty."

It appeared that the plaintiff is an attorney at Manchester, and the defendant called on his wife, and said to her, "I am very sorry, very sorry indeed. I have come on a very curious errand. I am very sorry for you. Mr. Bracegirdle has done such and such a thing, and I must transport him." His wife replied, she did not fear that. The defendant then said, "He has forged Mr. Johnston's name to several letters that I have in my possession." He then said, if Mr. Bracegirdle would pay him £15, he would let him off for his children's sake. The defendant also spoke in similar terms to a Mr. Guest, in consequence of which a Mr. Saxby took some papers out of his hands. It was proposed on behalf of the defendant to cross-examine the plaintiff, who was put into the box, as to various transactions of his past life; but the learned judge—no plea of justification being on the record—refused to allow the questions to be asked, even in mitigation of damages. It was suggested in defence that the imputations cast were warranted.

His LORDSHIP, in summing up, said, the defendant had not come manfully forward and justified what he had said, and it was proved that he had charged the plaintiff with having committed forgery, which was an offence for which a man was liable to be transported.

The jury found a verdict for the plaintiff—Damages, £25.

(Before Mr. Justice WILLES.)—*Mar.* 29.

John Sparritt was indicted for wilful and corrupt perjury, alleged to have been committed by the prisoner as a witness in an action tried at the Liverpool winter assizes, 1858, for the infringement of a copyright of designs, in giving evidence to disprove the novelty of an invention as applied to printing cloth.

Upon the part of the prosecution it was proposed to examine as a witness Mr. Baylis, who had been the junior counsel for the plaintiffs in the above-mentioned action, and who was subpœnaed by the prosecution to prove from the notes made by him on his brief at the trial the statements then made by the witness.

The learned counsel having duly presented himself upon his subpœna,

His LORDSHIP said, that he would not allow counsel to be called to prove their notes, which were made with a totally different object. Counsel had quite enough to do and to think of in the conduct of a cause, without having thrown on them the onus of taking their notes with a view to giving them in evidence in support of a prosecution for perjury. A shorthand writer or other person, and not the counsel in the cause, ought to be called to prove the statements of the witnesses, and he should not compel the counsel to appear as a witness, and thus establish, as he thought, a very bad precedent. Upon this intimation, the counsel for the prosecution expressed his intention not to call Mr. Baylis.

At the close of the evidence for the prosecution,

His LORDSHIP expressed an opinion that there was no case to go to the jury, and a verdict of acquittal was therefore taken.

CONCENTRATION OF COURTS.

The Incorporated Law Society have added the following paragraphs to their petition (printed at page 327) in favour of a concentration of the Courts of Law and Equity:—

That a Bill has been introduced into your Right Honourable House, intituled, "An Act to extend the Powers of the Lord Chancellor for providing accommodation for the Court of Chancery," the object of which is to authorise the payment to the Honourable Society of Lincoln's-inn, out of the before-mentioned fund, for the term of ninety-nine years, and after such term, so long as the Lord Chancellor shall think fit, of such yearly sum or rent, not exceeding £4000, as shall be equal to interest at the rate of £4 per centum per annum on any sum of money which the said society shall pay, lay out, and expend in or about the erection of courts, chambers, and offices for the sittings of the Court of Chancery, and for the purposes of the business thereof, and in the purchase or acquisition of a site for the same, and as shall compensate the said society for any actual loss of rent or income which they may incur in consequence of providing such courts and premises.

That by the said Bill it is further proposed to provide, that the expense of keeping the said courts, chambers, and offices in proper order and repair, and insured against fire, and all taxes, rates, and other outgoings which may be payable in respect thereof, shall also be borne and paid by and out of the said Suitors' Fund.

That the erection of the proposed courts and offices in Lincoln's-inn, while providing for the accommodation of the Court of Chancery, would leave the courts of law, and the offices connected therewith, in their present inconvenient, inadequate, and discreditable condition, and would thus afford only a partial and imperfect remedy for an extensive and general evil.

That the proposed measure would effectually and for ever prevent the concentration of the Courts of Law and Equity, and the offices thereof, and would thus perpetuate those evils arising from the existing separation and dispersion of the courts which your petitioners have above pointed out.

NEW COURT OF PROBATE, &c.

The subjoined petition has been presented to the House of Commons by the Incorporated Law Society against the Court of Probate, &c. (Acquisition of Site) Bill:—

That a Bill has been introduced into your honourable House, entitled, "A Bill to enable the Commissioners of her Majesty's Works to acquire a Site for the Purposes of her Majesty's Court of Probate, and other Courts and Offices."

That by the said Bill it is proposed to authorise the expenditure of public money, to a large amount, in the purchase of a site in or near Doctors' Commons, and in the erection on such site "of buildings for the purposes of the Court of Probate, and the principal registries and other offices connected therewith, and also for the purposes of other courts and offices necessary for the public service."

That a plan for concentrating all the courts of law and equity and all the offices connected therewith, in a central and convenient situation, in the vicinity of the Inns of Court, has been submitted to, and is now under the consideration of, her Majesty's Government, and it is intended, as your petitioners believe, to institute an immediate inquiry into the subject by means either of a select committee of your honourable House, or of a royal commission.

That such a plan, if carried into effect, would include suitable buildings for the Courts of Probate and Divorce, and the principal registries and other offices connected therewith, as well as for the safe deposit of wills.

That there exists a large fund, consisting of stock standing in the name of the Accountant-General of the Court of Chancery, but at the entire disposal of Parliament, by means of which all the courts of law and equity in the metropolis and the offices connected therewith, including the courts and offices proposed to be erected under the authority of the Bill now pending in your honourable House, may be erected, without imposing any, or if any, only a moderate and temporary burthen upon the public; and that the adequacy of this fund, and the propriety of appropriating the same to the purposes of the proposed scheme of concentration, constitute one of the subjects of the intended inquiry.

That the erection of buildings at Doctors' Commons for the purposes of the Court of Probate and the offices con-

nected therewith, under the provisions of the Bill now before your honourable House, would seriously interfere with the general scheme of concentration above referred to, and would impose heavy pecuniary burthens on the public, which will be wholly unnecessary if such scheme should ultimately be carried into effect.

That, independently of any such scheme of concentration, and even if it were necessary or expedient that the courts and offices referred to in the said Bill should be erected in a separate locality, and apart from the other courts in which justice is administered in the metropolis, no sufficient reason can be assigned for the selection of Doctors' Commons for such locality.

That the Courts of Probate and Divorce having been disconnected from all ecclesiastical jurisdiction and authority, and the rights of audience and practice in the said courts, heretofore exclusively enjoyed by the advocates and proctors, having now been thrown open to the whole body of the profession, it is of the utmost importance, not only that those courts, and the registries and other offices connected therewith, should be in proximity to each other, but that both courts and offices should be placed in some central and easily accessible situation.

That there are at present no buildings in or near Doctors' Commons suitable for the transaction of the large and increasing business of those courts, or for the safe and convenient custody of wills, and that the situation of Doctors' Commons is highly inconvenient to a large majority of the suitors of the said courts, the counsel and practitioners employed therein, and the public at large.

Your petitioners therefore humbly pray your honourable House that the said Bill may not pass into a law.

And your petitioners will ever pray, &c.

Death of Sir John L. Pedder, Knt.—We have to record the death of Sir John Lewes Pedder, Knt., son of the late John Pedder, Esq., Barrister-at-Law, which occurred on the 24th instant, at Brighton. Sir John was called to the bar at the Middle Temple in 1820, graduated LL.B. at Trinity Hall, Cambridge, in 1822, and was chief Justice of the Supreme Court at Tasmania, Van Diemen's Land, from 1838 to 1854. He married Maria, the daughter of the late Lieut.-Colonel Everett, and was knighted in 1838.

We understand that the ancient baronetcy formerly enjoyed by the family of Smyth, of Ashton Court, is about to be revived in the person of John Henry Greville Smyth, Esq., now on a tour in the East. The new baronet is the nephew of Mr. Arthur Edwin Way, who contested the City of Bath at the late election. The name will be familiar to the public from the celebrated trial of "*Provis* v. *Smyth*," in which an attempt was made to set up a fictitious claim to the property. The Ashton Court estates are understood to exceed in value £30,000 per annum.

It has been announced that Mr. Lyttleton Holyoake Bayley, a member of the bar, who has but recently arrived from England, is to succeed Mr. Lutwyche as Attorney-General, on the appointment of the latter to the resident judgeship at Moreton Bay.—*Sydney Herald.*

The latest intelligence from China informs us that the appointment of Mr. Green as acting Attorney-General of Hongkong has been confirmed by the Home Government, but we have not yet heard whether the suspension of Mr. Anstey has been approved of.

The Recordership of Norwich.—The Recordership of Norwich, rendered vacant by the death of Mr. M. Pendergast, Q.C., has been conferred on Mr. P. F. O'Malley, Q.C. The learned gentleman has long held an eminent position on the Norfolk circuit. The emolument attached to the office is less than £100 per annum.

Notes on Recent Decisions in Chancery.

(By Martin Ware, Esq., *Barrister-at-Law.*)

Appointment—Fraud on Power—Corrupt Bargain.

Humphrey v. *Olver*, 7 W. R., L. J., 334.

This was an instance of an appointment by a mother of a disproportionate share of a trust fund in favour of one of her daughters, the objects of the power, being set aside on the ground that the appointor intended to derive benefit to herself from the appointment. The facts were involved in some obscurity, and it did not appear that the mother did actually derive any immediate benefit from the transaction. But it was shown that at one time she entertained the idea of deriving a benefit from the appointment, although it was suggested that such idea was afterwards abandoned. It also appeared that the daughter in whose favour the appointment was made was in a very bad state of health at the time, and, in fact, died in less than eighteen months afterwards; that she and her husband, a few months after the appointment, raised money on the appointed share, and some of the money so raised was employed in payment of debts of the husband for which the mother was security. *Turner*, L. J., in giving judgment, remarked, that it had been said that there had been originally an intention of benefiting the appointor, but that it had been abandoned; but if there was evidence of such an intention having been entertained, the burden lay upon the defendant of showing that it had been abandoned. Of this there was no proof in the present case. The appointment was accordingly set aside.

Practice—Leases and Sales of Settled Estates Act. Guardian.

Re Caddick's Settled Estates, 7 W. R., V. C. S., 334.

The above-mentioned Act (19 & 20 Vict. c. 124), provides, in the 36th section, that in case of application under the Act by infant tenants in tail, the application must be made by guardians on their behalf. In the present case, *Stuart*, V. C., decided that in cases where the father of the infants is living, it is not sufficient that he should join in the petition as their guardian, even though he have no adverse interest to his children; but a guardian must be appointed by the Court for the special purpose. (See "Morgan's Chancery Acts," 251.)

Solicitor and Client—Privilege—Scotch Solicitor.

Lawrence v. *Campbell*, 7 W. R., V. C. K., 336.

This case related to the important subject of the professional privilege of solicitors, with respect to the production of their correspondence with their clients.

The defendants in the suit were a Scotch gentleman named Campbell, and a firm of Scotch solicitors residing in London, and practising there as Scotch law agents and parliamentary agents. The suit related to a sum of money alleged by the plaintiff to have been paid by Mr. Campbell to his co-defendants in trust for the plaintiff; and the documents in respect to which privilege was claimed, consisted of the correspondence between the defendants. It appeared from the affidavits, that the solicitors were duly admitted to practise in the courts of law in Scotland, but not in those of England, and that they were professionally employed by Mr. Campbell, and also as the agents of Mr. Campbell's solicitor in Edinburgh, in the transactions to which the suit related. The only new point, therefore, in the case was, whether the English Court would recognise the professional privilege of Scotch solicitors. The Vice-Chancellor held that they were entitled to the same privilege as English solicitors. His Honour remarked, that it might often be convenient that a Scotch solicitor should conduct the case of a Scotch client, the case being Scotch, and an English solicitor would not answer the purpose so well; and it was not disputed that, in a Scotch case, to some extent, there was a privilege in the Scotch courts. If a Scotchman communicated with his professional adviser in this country relating to his business, he was not bound to consult an English solicitor. His Honour declined to investigate what the Scotch law was on the question of privilege, observing, that the English Court could only apply the English principle of protection. He accordingly declared the documents in question to be protected. The cases on this subject will be found collected in "Daniel's Chancery Practice," 2nd ed., p. 530; "Seton on Decrees," 2nd ed., p. 445.

Heir-at-Law—Issue.

Wright v. *Wilkin*, 7 W. R., V. C. K., 337.

Although an heir-at-law is always entitled to an issue at law when he is made a defendant in a suit in equity, by a devisee seeking to establish a will against him, yet it does not follow that he can claim an issue if he comes of his own accord into equity, for the purpose of disputing the will against a devisee in possession. The title of the heir being legal, he ought to try the question by ejectment; and, if he is prevented from recovering by an outstanding term, or any other impediment which would make the devisee's defence inequitable, the Court of Equity will assist him in the action, or grant an issue; but if he has no such equitable ground for relief, the Court will not interfere. The present case was an illustration of this. The plaintiff, claiming to be heir-at-law, filed a bill, praying that the will might be set aside, on the ground of undue influence and want of proper professional assistance, and also prayed for a receiver, and for an injunction to restrain the devisee from put-

ting timber. The bill contained an allegation that there were outstanding tenancies and mortgage terms; but the Vice-Chancellor considered this allegation as unsustained by the facts, and merely delusive. He therefore dismissed the bill altogether as ungrounded and misconceived.

Notes on Recent Cases at Common Law.

(By James Stephen, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

Insolvent Debtor—Description of Debt in Schedule.

Franklin v. *Beesley*, 7 W. R., Q. B., 294.

This is the most recent decision as to the proper description of a debt in the schedule of a prisoner seeking his discharge under 1 & 2 Vict. c. 110. The Act requires a full and true description of all debts due, or growing due, from the prisoner at the time of the vesting order, but in the present case the insolvent omitted from his schedule all mention of a certain sum which he had covenanted to pay to the plaintiffs in the above action (to which action a discharge by the Insolvent Court was pleaded in bar), with respect to which sum the plaintiffs had a twofold remedy given in the deed, by which it was covenanted to be paid, viz. to sue for the same, or to take certain stock in trade, mortgaged to them, as their own property. This omission the Court held to be fatal to the validity of the plea of discharge, and the case was likened to that of *Leonard* v. *Baker* (15 Mee. & W. 202), where it was expressly decided that if an insolvent owed two distinct debts to the same person, and inserted only one of them in his schedule, he was not discharged as to the debt which he had omitted. (See Cooke's "Insolvent Practice," c. v.)

Apprentice, Misconduct of—Master and Servant.

Philps v. *Clift*, 7 W. R., Exch., 295.

The law which governs the relationship of master and servant, is not in all points identical with that of master and apprentice. Indeed *Watson*, B., went so far, in the present case, as to assert that there is no analogy between them. This, however, must be taken as intended with some qualification, as it is clear that, except as overridden by the deed of apprenticeship, the duties of an apprentice towards his master are those of a servant, and the general rules between master and servant prevail. The present case, however, shows that in one important particular, at least, the existence (in the case of apprenticeship) of a deed by which the master enters into certain covenants, not with the apprentice, but his guardians or other parties, causes the position of an apprentice to differ from that of a servant. If the latter disobeys any lawful command of his master, or commits any unlawful act, the master has a right to dismiss him. But if an apprentice so misconducts himself, the master, though he may correct him, has no right to turn him out of his house. The single authority the other way is a ruling at nisi prius of Lord *Denman*, in the case of *Wise* v. *Wilson* (1 C. & K. 662); but there the apprentice who misconducted himself was also a pupil and assistant, and moreover (as *Channell*, B., remarked in the present case) there was in that case no opportunity for the Court in banco to consider what Lord *Denman* had thrown out. On the other hand, *Winstone* v. *Linn* (1 B. & C. 460) expressly decided that the covenants in an indenture of apprenticeship are independent covenants; and, consequently, that to an action (such as the present) brought against the master for breach of his covenant to instruct and maintain during the term agreed upon, it is no defence to plead the commission of improper acts on the part of the apprentice, such as would have justified his dismissal had he been an ordinary servant.

Mutual Negligence, Doctrine as to.

Waite v. *North Eastern Railway Company*, 7 W. R., Exch., c. 311.

There has been occasion more than once in these notes to allude to the principle now conclusively established by the judgment of the House of Lords, that he who would recover from another damages in respect of an accident from which injury has been suffered, must not himself have contributed to that accident by his own negligence or carelessness, and this rule prevailing in actions brought under Lord Campbell's Act by the representatives of one who has been killed by the accident, such an action cannot be maintained if the deceased himself contributed to the accident. In the present case, this principle has been extended a little further—viz. that a contribution to the accident by means of the negligence of the person in whose care the plaintiff or deceased (being an infant or otherwise incompetent for self-care) was at the time, is in like manner fatal to the action, the conduct of the guardian being for this purpose identified with that of the party injured. In the present case (which was an appeal from the Queen's Bench) the action was brought by an infant plaintiff for an injury sustained (while under the charge of a nurse) on the defendants' railway; but, inasmuch as it appeared that the nurse was to blame as well as the defendant, judgment was given, and now affirmed, in their favour.

Attorney and Client—Undertaking to pay Costs.

Spark v. *Heslop*, 7 W. R., Q. B., 312.

This was an action by an attorney, on an undertaking contained in his retainer, in writing, by the defendant, requesting him to commence and carry on an action, in which one H. was to be the defendant, and the defendant in the present action the plaintiff. This undertaking was to the effect that the defendant would "be answerable" to the plaintiff for all the costs, damages, and expenses he might sustain in trying the action against H., and in any manner relating or incidental thereto. Accordingly, the action against H. was brought and failed; and the plaintiff paid to H. the amount of his costs therein. It was to recover these costs,—and also his own, as between attorney and client,—that the present action was brought; and in behalf of the defendant, the case *Collinge* v. *Heywood* (9 A. & E. 633) was chiefly relied upon, as showing that by an undertaking such as above-mentioned, he engaged to pay only the costs actually paid by his attorney, and that, consequently, the instrument did not apply to the costs as between himself as client and the plaintiff as attorney in the action against H. The Court, however, unanimously held, that the undertaking was of a character to apply to both sets of costs, for that the defendant was not really a surety only, but a positive engager to pay himself to the plaintiff such costs as might be incurred in the action.

Such is apprehended to have been the point of the above case, but there is some obscurity in the report of it. It appears to be stated as a fact, that the costs of H. *had been paid* by the plaintiff before the present action; but the judgment seems to proceed on the supposition that the plaintiff was liable to pay them, but had not yet done so.

Parliament and Legislation.

HOUSE OF LORDS.

Friday, Mar. 25.

The Westminster Clock.

Lord Campbell said, he wished to put a question to the noble Lord at the head of her Majesty's Government with respect to the state of the clock in the tower. That clock was expected to have been long before this of great service to the public, and especially to the gentlemen attending Westminster-hall; but it was not yet at work, although it had been placed in the tower for some time. He was in hopes that, on returning from circuit, he should have found it at work. The clock had four dials, and he observed on passing the tower that day that the fingers on each dial pointed to different figures. He understood that during his absence on circuit the clock had been at work for half an hour.

The Earl of Derby said, that immediately after the noble and learned Lord asked a question on this subject on a previous occasion he communicated with his noble friend at the head of the Board of Works, in consequence of which communication his noble friend wrote to Sir C. Barry, who informed him, in reply, that the chamber would be ready for the reception of the clock in the course of a week or ten days, but that Mr. Denison still required some work to be done in the tower. Since that he had not received any further communication on the subject.

Mr. Ex-Baron Pennefather.

The Earl of Leitrim rose, pursuant to notice, to ask the First Lord of the Treasury whether it was his intention to recommend to her Majesty to confer any honour, distinction, or dignity on the Right Hon. Richard Pennefather, late Baron of the Exchequer in Ireland, for his long and meritorious services. The whole of the bar of Ireland, the solicitors of Ireland, and many of the grand juries, had borne testimony to the worth, the honesty, and uprightness of this learned judge. Mr. Baron Pennefather had won the good opinion of all parties in a country where they were not always unanimous in their feelings with regard to private or public persons. He had not taken any part in politics that could be distasteful to any

party. Had he been a partisan, indeed, he might at this moment have been in a higher position. He trusted that the noble earl would seriously consider whether he would not feel himself at liberty to recommend her Majesty to confer some distinction, honour, or dignity, upon Mr. Baron Pennefather.

The Earl of Derby.—If the object of my noble friend on the cross benches was himself to offer, as he has done, a graceful tribute to the merits of Mr. Baron Pennefather, or to elicit similar marks of admiration and respect from those of your Lordships now present, more especially from the noble Lord the late Lord-Lieutenant of Ireland (the Earl of Carlisle) and the noble and learned Lord (Lord Campbell), who, as the Irish Lord Chancellor, had so long an opportunity of becoming acquainted with the merits of Baron Pennefather, he has, I must say, amply succeeded in his object, and I should be the last to refuse my tribute of respect. Mr. Baron Pennefather is, I believe, the object of universal respect and esteem; and, notwithstanding the painful infirmities with which he was afflicted, and which would have almost totally disqualified any other person of such advanced age from the due discharge of his duties, yet, up to the moment of his retirement from the bench, few, if any, of the learned judges were able to sum up a case, or give an opinion or a judgment more clearly, more fully, or more distinctly than Baron Pennefather. With regard to his uprightness and integrity they ought not to be very rare virtues, yet I may say that I never heard the slightest imputation with regard to one or the other, and as to his abilities and character as a judge I never heard but one opinion. Having said thus much, I am not aware that—honoured as he was by all on his retirement—either Baron Pennefather, or his friends, or any of his family, desire or expect that any signal honour should be conferred upon him on the part of the Crown. I hope my noble friend will excuse me for saying that the subject is one to be dealt with not by this House, but by the Crown, and I must respectfully decline answering the question.

Oaths Act Amendment Bill.

This Bill passed through committee.

Companies Act (1859) Bill.

The report of the amendments to this Bill was brought up and agreed to, and the Bill was ordered to be read a third time on Monday.

Monday, Mar. 28.

Vexatious Indictments Bill.

This Bill passed through committee.

Manor Courts (Ireland) Bill.

On the motion that this Bill be read a third time,

The Earl of Leitrim objected to the Bill, because it would deprive lords of manors of the right of appointing seneschals without giving compensation, and because no case had been made out for the abolition of these courts. The noble earl moved that the Bill be read a third time that day six months.

The Earl of Donoughmore said, that the report of the committee of the House of Commons which sat in 1837 proved to demonstration that there were inherent defects in the constitution of these courts, and that a failure of justice must continue in many cases as long as they were continued. It was in the power of lords of manors to appoint any person as seneschal who could give security to the amount of £500, and though in some cases they had taken pains, in others they had shown carelessness in their selection. The courts were put in motion by persons who had lent money or given credit to the poorest of the population, and, according to a witness examined before the committee, in 99 cases out of 100 the plaintiff obtained a decree. There were constant disputes as to the extent of jurisdiction, and frequent riots ensued in resisting the seizure of property under the decrees of the courts. Although some of the courts were held in proper buildings, many were held in public-houses, with no convenience for the jury to retire, and with almost every incitement to most unseemly confusion. Many other objections might be urged to these courts, but enough had, he thought, been said to prove that her Majesty's Government had exercised a wise discretion in proposing to abolish these courts altogether. He believed that the bailiffs of these courts were in the habit of acting as attorneys, and it appeared that in one case a woman was in the habit, for a fee of 1s., of undertaking the cause of one or the other party to the suit. He trusted that, for the sake of the dignity of public justice, their Lordships would consent to abolish these courts. His noble friend appeared to think that the lords of manors ought to be compensated for losing the right of nominating these judges. But how would he measure the value of the nomination to an office which was remunerated according to the services performed? The right was worth nothing, and no compensation could be due for the loss of it. His noble friend objected to giving the plaintiff the power of summoning the defendant under this Bill. But, at present, the plaintiff could go to the seneschal, who never refused a summons, because he got a fee for granting it. An appeal from the manor courts could only be brought now to the assizes, but by the present Bill an appeal would lie to the court of quarter sessions, so that disputes might be settled more speedily and more cheaply. He trusted that their Lordships would concur in the third reading of a measure which would effect a great improvement in the law.

After a few words from the Earl of Leitrim in reply,

The amendment was put and negatived; and, after clause 4 had been struck out, and some of the remaining clauses had undergone verbal amendment, the Bill was read a third time and passed.

Evidence by Commission Bill.

This Bill went through committee.

Oaths Act Amendment Bill.

This Bill was read a third time and passed.

Tuesday, Mar. 29.

Juries in Civil Causes.

Lord Campbell moved the second reading of the juries in Civil Causes Bill. He said, he believed that, so far as criminal cases were concerned, the law which required that nobody should be found guilty of a crime except by the unanimous verdict of twelve men had worked satisfactorily; but in civil cases there was not the same reason for requiring unanimity on the part of the jury. The notion that the unanimity of twelve jurymen had been required from all time was wholly without foundation. In a treatise, the date of which was uncertain, the author said, that "of late the number of jurors had been reduced to twelve;" and the reasons which he gave for the adoption of that number were these:—"Like as the Prophets were twelve to foretel the truth, as the Apostles were twelve to preach the truth, the discoverers twelve sent into Canaan to seek and report the truth, and the stones twelve that the Heavenly Hierusalem is built on; and as the judges were twelve anciently to try and determine matters of law." To which Lord Coke added other duodecimals: "twelve tribes of Israel, twelve months in the year, and twelve Cæsars!" There had been in the course of years many alterations in the law and practice with respect to juries, arising out of the circumstances of the times and the varying sentiments of mankind. Formerly it was thought that jurors should come from the part of the country where the cause of action arose, but experience showed that neighbours were apt to be partial, and after various changes it was at length determined that they should be taken from the body of the county. It certainly seemed very strange that in civil cases, the consideration of which admitted of such varied shades of opinion, the unanimity of twelve men should be required. There was no analogy for it in other cases. Among the judges the decision of the majority was sufficient; and, in their Lordships' House, whether sitting in their legislative or judicial capacity, the majority determined the question. Blackstone stated in his "Commentaries" that at the assizes, if the jurors did not agree in their verdict before the judges left the town, the judges were not bound to wait for them, but they were bound to order them to be put into a cart and carried round the circuit from town to town until they agreed. An oral tradition varied this dictum, and laid it down that the jury must be carried to the confines of the county and there shot out into a ditch. After adverting to the manner in which juries compromised their opinions, and quoting several authors, his Lordship continued that the Common Law Commissioners of 1830 and 1851 had strongly condemned the present system. Since the introduction of his Bill last session, he had received communications from several of his judicial brethren in favour of a change in the law. By this Bill juries would be allowed to have all needful accommodation and refreshment, and then, at the end of six hours, if nine of them had agreed, the verdict of these nine would be taken. He wished to remind their Lordships that juries were not so submissive now as formerly. They liked to think for themselves. He had no motive, except the due administration of justice, for bringing forward such a Bill; and he could assure their Lordships that the greatest hindrance and inconvenience to the administration of justice in the present day arose from the law which insisted upon the unanimity of juries.

Lord Lyndhurst said, the object of the Bill is to change

one of the fundamental laws of the kingdom—one of the most important and fundamental laws of the kingdom—viz. that which relates to trial by jury, which has existed in its present form for 500 years, and during the whole of that time been admired and applauded by the most eminent lawyers who at different periods have adorned the judicial tribunals of this country. With reference to a statement made by my noble friend, there is no instance to be found in the judicial history of this country in which a jury have been carried round a circuit in a cart, much less of their having been afterwards shot into a ditch. I will tell your Lordships how a contrary impression appears to have originated. Five hundred years ago, or nearly so, a case was brought before the Court of Common Pleas from the assizes, in which eleven jurymen had agreed and one had dissented. The person who reports what took place on that occasion—500 years ago, your Lordships will bear in mind—has a note, saying, that in the course of the discussion the judges had said if the jury could not agree the judges should have taken them with them in a "*carr.*" until they agreed. I defy my noble and learned friend to quote any authority for the statement he made—not an act only, but a word in any book on the subject. The only authority is the note which I have quoted; and there is no instance of that having been acted on. My noble and learned friend has cited Justice Blackstone. Justice Blackstone refers to this very note. Allow me to say that my noble and learned friend is wholly incorrect. You would suppose from his statement, and particularly from the manner in which he put it to the jury, that judges meant to inflict some indignity on the jury. It is a French word abbreviated, which has been mistranslated by my noble and learned friend. The word is carr., an abbreviation for carreo, which means a waggon going on four wheels, and covered with a cloth. What, let me ask, was the mode of travelling in those days? On horseback, or, if not on horseback, in covered waggons. Coaches and carriages were not in use for two hundred years afterwards. The proper translation of this word was, that it was the duty of the judges to have carried those gentlemen with them in covered waggons until they came to an agreement. That is obviously the meaning of the passage to which reference has been made. I thought it my duty to make this explanation to your Lordships. His Lordship then went on to say, that, during his legal and judicial experience at the bar and on the bench, it was very rare that there was occasion for discharging a jury without a verdict, and in nineteen cases out of twenty a jury never retires.

Earl Granville, in supporting the Bill, said, he had never been able quite to understand why—seeing that in county courts it was optional with the parties to dispense with the jury, and that the most important cases were decided in the Court of Chancery and in that House without the intervention of a jury—it was absolutely necessary that juries should be unanimous.

Lord Cranworth and Lord Kingsdown supported the Bill.

Lord Wensleydale contended that the principle of trial by jury, in all cases, was, that the verdict should be unanimous. He read several returns from the different circuits, to show how few were the cases of disagreement by jurymen. He did not think that a sufficient case had been made out for the proposed change of the law.

Lord Campbell replied; and their Lordships divided, when there appeared for the second reading 7, against 23; majority, 16.

The Bill was therefore lost.

Thursday, Mar. 31.

Indictable Offences (Metropolitan Districts) Bill.

Lord Campbell said, he approved of the principle of the Bill, and thought it right, when persons were committed by a police magistrate to the Central Criminal Court, that the indictments should not be laid before a grand jury. There were, however, some defects in the Bill, which he would be glad to see amended.

The Lord Chancellor said, one of the objections of the noble and learned Lord was, that any other magistrate except a police magistrate might commit a man to prison. That, he apprehended, was a mistake. It was true, as was urged by the noble and learned Lord, that there was a district comprised in the Bill beyond the jurisdiction of the police magistrates; but it was so small that no inconvenience would arise from it. Out of 1000 or 1200 commitments there were not more than forty from that particular district. He would postpone the third reading to Monday next.

Manslaughter Bill.

This Bill was read a second time.

Vexatious Indictments Bill.

This Bill was read a third time and passed.

Evidence by Commission Bill.

This Bill was read a third time and passed.

HOUSE OF COMMONS.

Friday, Mar. 25.

The Annuity-Tax.

Mr. Black asked the Lord-Advocate when he would lay his Bill for the repeal of the Annuity-tax on the table.

The Lord-Advocate said, that although Mr. Black had induced the House to pass the second reading of a measure on this subject, he thought he should best meet the wishes and expectations of those who desired the settlement of the question by proceeding with the Bill which the Government intended to introduce. He hoped to be able to proceed with it on an early day, but at this moment he could not name the day.

Transfer of Land (Ireland).

Mr. Griffiths asked the Chief Secretary for Ireland whether it was the intention of the Government to equalize the per-centage fees upon the sale of property in the Transfer of Land Courts in Ireland to the amount payable on value under £10,000.

Lord Naas said, the matter was under consideration. At present he could give no decisive answer.

The Reform Bill.

The debate on this Bill was resumed and again adjourned.

Monday, Mar. 28.

The Reform Bill.

The debate on this Bill was resumed and again adjourned.

Petitions of Right Bill.

This Bill was read a third time and passed.

Affidavits by Commission Bill.

This Bill was also read a third time and passed.

Tuesday, Mar. 29.

Aggravated Assaults.

Viscount Raynham obtained leave to introduce a Bill to amend the Act of 16 & 17 Vict. c. 21, for the punishment of men convicted of aggravated assaults on women and children.

Cruelty to Animals.

Viscount Raynham also obtained leave to introduce a Bill for the more effectual prevention of cruelty to animals.

The Reform Bill.

The debate on this Bill was resumed and again adjourned.

Wednesday, Mar. 30.

Trial by Jury (Scotland) Bill.

Mr. Dunlop, in moving the second reading of this Bill, explained, that it was for the purpose of shortening the time at present fixed for the deliberation of juries in civil cases in Scotland. As the House was aware, the system of trial by jury in Scotland was essentially different with respect to the forced unanimity considered essential in England. In criminal cases in Scotland, the verdict of the jury was determined by a majority, the number of the jurymen being fifteen; but an attempt had been made nearly fifty years ago to introduce the English system, as regarded civil cases; but it was altogether so inconvenient, and so utterly opposed to the notions of the Scotch people, that the greatest complaints were made, and about five years ago he succeeded in carrying an Act of Parliament, which provided that the verdict should be determined by a majority of nine out of twelve, combined with a deliberation of six hours. That Act had worked extremely well, the only fault being, that it was felt that six hours' detention was altogether too long, and that in most cases the jury had arrived at a determination within a very short time. It was the opinion of the highest legal authorities in Scotland, including the Lord Justice Clerk and the whole of the Faculty of Advocates, that the time enjoined in the Act in question might be judiciously shortened, and that it was proposed to do by the present Bill, which provided that three hours should be fixed as the limit of the detention of jurors.

Mr. Monchieff confirmed the statement of Mr. Dunlop, as to the practical inconvenience of the present system. He looked upon the enforcing of unanimity among the juries as

contrary to common sense, for it was quite plain that in the end, although they returned a verdict for the plaintiff or defendant, as the case might be, yet they were in reality no more unanimous than were a Scotch jury who had returned a verdict by a majority. The Act which had been in operation during the last five years had worked extremely well, and he was perfectly satisfied that all that was wanted was, that the time of the detention of the jury should be shortened. He therefore cordially supported the second reading of the Bill.

The Lord-Advocate cordially assented to the further change which was now proposed; on one point he thought they must all agree, and that was, that if any change were made in the mode of their procedure, it ought to be a change in accordance with the feelings, the wishes, the habits, and modes of thought of the people who were to be affected by the alteration of the law. Scotland from time immemorial had been accustomed to the decision of a majority of the jury, and there was no reason why they should be interfered with in that respect.

Mr. Buchanan said, he was well acquainted with the feeling of the people on the subject. The prejudice was decidedly in favour of a simple majority. He did not, however, think the working of the simple majority system in criminal trials so favourable as to warrant their introducing it into civil causes.

Mr. Mackie expressed himself highly in favour of the system of decision by a majority of the jurymen, which had worked extremely well in New South Wales. When juries returned a verdict under the system of unanimity, in eight times out of nine their unanimity was nothing but a compromise.

Mr. Mellor regretted that the house would have no opportunity of considering the Bill introduced by Lord Campbell into the House of Lords, as he believed that in most of the civil cases upon which juries at present delivered verdicts the unanimity was more apparent than real. In many cases the jury were agreed to be bound by the decision of the majority, which course was adopted. It was, therefore, absurd to say that the verdict of a jury was really unanimous. At the same time, in criminal cases, he thought it would be impolitic to alter the law as it now stood, inasmuch as no sentence in grave cases could be carried into execution if it were known that three or four jurymen were in favour of an acquittal.

Mr. S. Wortley agreed that it would not be advisable under any circumstances to alter the law which required juries in criminal cases to be unanimous in their verdict; at the same time he thought the whole jury system required revision. He believed there was no institution which the people of this country valued more than trial by jury, and yet there was no class of men more ill-used than jurymen. He objected in particular to their being starved and exposed to the cold while deliberating upon their verdict, and to the accommodation which was provided for them in the different courts.

The Bill was then read a second time.

Law Ascertainment Bill.

Mr. Dunlop, in moving the second reading of this Bill, explained that its object was to remove the inconvenience which was at present sustained in deciding in Scotland upon a case in which a point of English law was in dispute, and vice versâ. At present, if a question of English law arose in a Scotch court, there were no means of settling it except by examining witnesses acquainted with the working of the English law, or submitting a case to eminent legal authorities. The opinions, however, frequently differed, which caused a conflict of authority; and in addition to the uncertainty of the present mode of operation, the expense was very heavy. He proposed that hereafter it should be competent for the courts of one country to submit cases for the opinion of the courts of the other, which opinion would be conclusive unless an appeal were made to the House of Lords. In case of an appeal, the House of Lords would settle the point in dispute.

Mr. Malins expressed his approbation of the Bill, but regretted that it did not apply also to the law of foreign countries. Some time ago, a person who had resided for fifteen years at Calais left property to the value of £100,000 to Southampton, but the will was objected to by the next of kin upon the simple question whether the testator was to be considered as a domiciled Englishman or had become a domiciled Frenchman. After the expense of litigation had run up to £25,000 a compromise was effected, and instead of receiving £100,000, the town of Southampton only got £50,000.

Mr. J. D. Fitzgerald also supported the Bill.

The Lord Advocate approved the principle of the Bill, but said, there was some ambiguity in the wording of the preamble, which left it in doubt whether or not the measure would apply to the colonies. If it were intended that it should apply to the colonies, he begged to remind his hon. friend that the Bill gave an appeal to the House of Lords, which could not be rendered available in the case of the colonies.

Mr. Bouverie thought the Bill ought to be confined to the superior courts, and should not include county courts, courts of quarter session, and other inferior courts.

The Solicitor-General said, it would be inconvenient to enter into the details of the Bill at that stage, and

The Bill was read a second time.

The Bankruptcy and Insolvency Bill.

Lord J. Russell said, that since the second reading of this Bill had been agreed to, he found so many alterations in the details had been suggested that there would be a difficulty to pass it through a committee of the whole House satisfactorily, unless the measure should be first considered by a select number of members. He was, therefore, inclined to accept the proposal of his hon. friend (Mr. Bouverie), and refer the Bill to a select committee. He did not know what course the Attorney-General intended to follow with respect to the Government Bill on the same subject which had come down from the House of Lords; but he thought that Bill might be referred to the same committee, which he hoped would be composed of persons of legal and practical experience. He moved, therefore, that the Bill be referred to a select committee.

The Attorney-General entirely agreed in the expediency of the course proposed by the noble Lord. The number of points involved in the Bill would render it very difficult to do justice to the entire subject without the aid of a select committee. The Government Bill had come down from the Lords, and stood for a second reading on Friday next. He proposed to read the Bill a second time pro formâ, and he should then be prepared to state the intentions of the Government; but he did not apprehend that there would be any objection to refer the Bill to the same select committee as that to which the noble Lord's Bill would be sent.

Mr. Bouverie was quite satisfied that the course now taken was the only way to obtain a Bill on this important subject which would be at all satisfactory to the House or country. The subject was so important that it deserved the consideration of one of the ablest select committees that could possibly be appointed. He suggested that the committee should have power to call witnesses, who might be able to give both information and advice.

Mr. Crawford said, that the proposition to refer the Bill to a select committee had the approval of the large constituency he represented.

Mr. Headlam thought it important that some measure on this subject should pass during the present session, but he saw no chance of that being the case if the select committee entered into an examination of witnesses.

Mr. Moffatt was glad that the Bill was to be referred to a select committee, but saw no necessity for examining fresh evidence, when all the facts connected with the case were to be found fully recorded already in documents in the library of the House.

Mr. Malins expressed a similar opinion.

Mr. Vance thought, that if the committee were composed of lawyers and experienced mercantile men it would not be necessary to call witnesses, the hearing of whose evidence would prolong the inquiry indefinitely. The mercantile community of Ireland were anxious for the passing of an English Bill on this subject, because they were aware that it would form a basis for legislation for Ireland.

Mr. S. Estcourt said, that the only point on which there was difference of opinion was, as to whether the committee should take evidence or not. That was a matter on which the committee could exercise a judgment of their own, and could, if they thought fit, apply at any moment to the House for power to examine witnesses. The matter, therefore, had better be left to their discretion. With respect to the noble Lord who had brought this subject before the House, he begged to offer to him his humble tribute of respect for the attention he had bestowed on this important matter.

Mr. Lowe felt that points would arise on a comparison of the two Bills, which it would absolutely require the evidence of witnesses to settle, and he could not see that any good purpose would be attained by turning the committee adrift without the power of calling witnesses.

The Solicitor-General observed, that the committee could always apply for power to call witnesses; but he feared that, if the House gave them that power in the first instance, the committee would then think that it was the intention of

the House that they should examine into the whole state of the bankrupt law by calling witnesses.

Lord J. Russell concurred in the suggestion of the Home Secretary. If the select committee, in going through these Bills, should think further evidence was necessary, they could apply to the House for power to call witnesses; but to give them that power in the first instance might induce them to think that they ought not to confine their attention to the Bills, but ought to embark into an inquiry as to what should be the basis of legislation on the subject.

The motion for referring the Bill to a select committee was then agreed to.

Admiralty Court Bill.

Mr. Hadfield moved the second reading of this Bill, its object being to open the practice in the High Court of Admiralty to all serjeants, barristers-at-law, attorneys, and solicitors He said, that on the occasion of the passing of the Probate and Administration Act, the proctors obtained the enormous compensation of £72,000 a-year, and he moved a clause, which was adopted, that no compensation should be given for opening the High Court of Admiralty to the general profession. By some means, through the interest of the proctors, and not on the representation of the judge of the Court, that clause was thrown out in the House of Lords, though it was agreed to in the House of Commons with the consent of the then Attorney-General, and the proctors now required for the opening of the Admiralty Court an additional compensation of £10,000 a-year. He, however, contended that the country had paid the compensation already, and the grant of further compensation would be a wrong upon the public.

Mr. Malins said, that when the Probate and Administration Bill passed through Parliament, compensation was given for what the proctors considered would be the destruction of their business, and so it turned out to be. During the passage of that Bill, the hon. gentleman proposed a clause to open the Admiralty Court to the profession generally, and though it was objected that such a clause was not within the scope of the Bill, the hon. gentleman's clause was, with the reluctant assent of the Attorney-General of the day, agreed to. It was, however, omitted in the House of Lords, and, in contradiction of what had been stated by the hon. gentleman, he could say that it was struck out on the representation of the judge and officers of the Court, to the effect that such a clause ought to be accompanied by many provisions which could not be inserted in the Bill then before Parliament. The hon. gentleman now proposed that the Admiralty Court should be thrown open to the profession at large, and contended that the compensation already given included the Admiralty business; but that was obviously not the case, because the hon. member's clause including that business in the compensation was omitted. The hon. member was under a misapprehension if he thought the compensation under the Probate Act had thrown any burden on the public, for that compensation was provided for by certain fees paid into court. As he understood there was no objection to the opening of the Admiralty Court to general practitioners he would assent to the second reading of the Bill, although if the hon. gentleman's object was to refuse compensation he would feel bound to oppose the measure in committee.

The Attorney-General did not intend to oppose the second reading, for it was universally admitted that it was requisite for the public interests that the Court of Admiralty should be thrown open to the practice of advocates of all classes. He thought it would be premature to enter at that time into the question of compensation, which involved considerations of justice with regard to some meritorious persons, while, on the other hand, it was right that the public interests should be protected. He would suggest that the hon. gentleman should leave this question in the hands of the Government, who were now applying their consideration to the subject.

The Bill was then read a second time.

Charitable Uses Bill.

Mr. Hadfield, in the absence of the hon. and learned member for Durham, moved the second reading of this Bill, the object of which was to remove some of those technical difficulties which, contrary, he believed, to the intention of the framers of the Mortmain Act, now stood in the way of settlement, for charitable purposes. The Scotch law did not prevent in any manner devises of real estates for charitable purposes, and the only impediment thrown by the Irish law in the way of such devises was a provision, that the devise must be made and registered three months before the death of a testator. He thought that an amendment of the English law in this respect was absolutely necessary, and the Bill would remove some difficulties which were now experienced by charitable persons who wished to endow schools, hospitals, places of worship, and other similar institutions, and would afford them cheap, effectual, and easy means of carrying out their wishes.

The Solicitor-General said, he had no objection to the second reading of the Bill, but it involved questions of detail which would require very careful consideration in committee.

The Bill was then read a second time.

Thursday, Mar. 31.

Corporation of the City of London.

Mr. Brady asked the Secretary of State for the Home Department whether it was the intention of the Government to introduce a Bill for the better regulation of the Corporation of the City of London; and if so, when it would be laid on the table of the House.

Mr. S. Estcourt said, he was prepared to bring in two Bills, one financial, and the other municipal, after Easter.

Local Assessments Exemption.

In answer to General Buckley,

Mr. S. Estcourt announced that it was not intended to proceed with the Local Assessments Exemption Abolition Bill in its present form.

Ecclesiastical Court (Ireland) Bill.

Mr. Greer asked the Chief Secretary for Ireland whether he will be prepared to ask the House to go into committee on the Ecclesiastical Courts and Registries (Ireland) Bill on Monday next; and when he expects to be able to lay on the table of the House the returns that have been ordered in regard to the Greyabbey brawling case.

Lord Naas did not think it possible that the House should go into committee on this Bill on Monday, but hoped that on an early day it would be able to do so. He had made inquiry about the returns, and hoped they would be ready in a few days.

Officers of the Probates Courts and Superannuation Bill.

Mr. Vance asked the Secretary to the Treasury whether it is the intention of her Majesty's Government to introduce into the Superannuation Bill now before the House any provision for the officers and clerks of her Majesty's Courts of Probate in England and Ireland; and, if not, whether it is their intention during the present session to bring in a Bill for the purpose of giving superannuation allowances to the officers and clerks of the said courts.

Sir S. Northcote said, it was not at present the intention of the Government to introduce a Bill for the purpose of giving superannuation allowances to the officers and clerks of these Courts.

Confirmation and Probate Act.

The Lord-Advocate obtained leave to bring in a Bill to amend the Act of last session.

Police and Towns Improvement.

Lord Elcho obtained leave to bring in a Bill on this subject.

Reform Bill.

The debate on this Bill was resumed. The House divided, when there appeared—

For Lord J. Russell's Resolution . .	330
Against it	291
Majority against the Government .	39

Communications, Correspondence, and Extracts.

BANKRUPTCY LAW REFORM.

To the Editor of The Solicitors' Journal & Weekly Reporter.

Sir,—In the article upon this subject contained in your number of the 26th inst., after stating some provisions of Lord John Russell's Bill to reduce expense, and that the Bill further provides "that the sitting for the bankrupt's last examination and application for certificate may be held at the same time," you add, "and we apprehend no objection can be made to these amendments."

Sir, it has struck me that the provision in question is open to very grave objection, and, with your permission, I will attempt to explain the grounds upon which I have formed that opinion.

The clause of the Bill referred to is the 297th, which is as

follows:—"The Court shall appoint one and the same sitting for the allowance of the certificate of conformity and for the last examination of the bankrupt, unless it shall, upon consideration of the circumstances of any particular case, appear to the Court inexpedient to do so;" and by the preceding clause, the existing twenty-one days' *Gazette* notice of the certificate meeting is to be continued.

Thus it would appear that the routine practice proposed is to hold but one meeting for last examination and certificate, with an exception of cases wherein parties opposing show to the Court good reasons for holding separate meetings. Such reasons, however, if any, cannot, I apprehend, appear until the close of the bankrupt's examination, because they will arise, if they exist at all, out of the state of facts thereby disclosed, and obviously they cannot be shown at the period when the meeting is fixed, namely, three weeks before the examination comes off.

I contend, therefore, that under the proposed clause, the provision intended to be made for a certain class of cases—to which by the exception it is admitted it would be unwise to apply the altered practice—will fail to have any operation at all, and consequently that in *all* cases the Court must hold but one sitting for last examination and certificate.

The result of this would be, that at the close of a long and tedious examination,—frequently attended with how much trouble and difficulty those only know who are practically familiar with the details of a bankruptcy court,—with the evidence tumbled out in a confused heap before the mind of the examining advocate, he would be at once compelled, without opportunity for due consideration of the facts elicited, to decide whether they amount to an infringement of the complex law of bankruptcy, and consequently whether or not he ought to oppose the bankrupt upon his certificate.

Unquestionably this is not the intention of the promoters of the Bill, but would be, I believe, the natural effect of the clause in question as it now stands. Should it become law in its present form, I think it would prove to be, and very likely it would come to be nicknamed, "*the fraudulent bankrupt's indemnity clause.*"

It has been suggested to me that no difficulty would arise, because the Court, if not in virtue of its general powers, at all events by an express proviso to be added to the clause, might adjourn the question of certificate, upon the conclusion of the examination, upon due cause being then shown; but what I contend is, that to leave the course of procedure at the meeting vague and uncertain beforehand, is open to very grave and serious objection; that it is calculated to deter creditors from attending, and would be very favourable to the bankrupt's chance of escaping opposition upon his certificate altogether. I venture to submit that the existing practice in this respect is good, affording to those whose duty it is to examine into the bankrupt's deserts no more than a fair opportunity of doing so, which ought not, therefore, to be diminished. In these days of widely spread, but involved and closely concealed fraud, it is surely not too much to require a bankrupt to appear three separate times before the Court, especially as on his first appearance the practice is to examine him very cursorily, or more commonly not at all, and no change in this respect is likely to arise. The expense of one meeting, which is far less than is generally supposed by mercantile men, ought not, we think, to be deemed a matter of moment where there is anything like a probability of the altered practice lessening the existing checks upon commercial delinquency.

Sir, I must apologise for so large an intrusion upon your space, but I hope the importance of the subject will be deemed a sufficient excuse, especially at a time when both the bankruptcy bills now before Parliament are about to be referred to a select committee.

Before closing, however, may I add how much I should like to see a more extensive correspondence in your columns from professional men, upon the important changes in the law which every succeeding session now brings before Parliament. Although the *rough* work of reform (so to speak), both social and legal, seems to be nearly done, an ample field for exertion still remains in the department of law, the facile and certain administration of which is scarcely of less importance to a highly-civilised nation like ours, than it is to have wise and just laws to be administered. And I fear that we, the solicitors, are not, either as a body or as individuals, as fully alive to our own true interests in this matter, which are inseparable from those of the nation at large, as we ought to be, or we should not see in the existing race for law *reform practical experience* so far distanced and left behind by *theory* as it is at present.—I am, Sir, your obedient servant,

WILLIAM S. ALLEN.

Birmingham, March 31, 1859.

To the Editor of THE SOLICITORS' JOURNAL & WEEKLY REPORTER.

SIR,—Lord John Russell's Bankruptcy Bill proposes, it appears, to confer on any £50 creditor of a deceased trader, who is supposed to have died insolvent, the power of causing the estate of the latter to be administered in the Court of Bankruptcy, without any adequate safeguard against the power being exercised in respect of solvent estates; and provisions are contained in the Bill authorising the Bankruptcy Court to deal with the surplus of those estates which prove to be solvent, in the same manner, and with the same powers, as the High Court of Chancery.

This latter jurisdiction will be a great novelty, and it would be amusing, if not so mischievous in its probable results, to imagine every district commissioner of a Bankruptcy Court exercising the powers of the Court of Chancery in determining the rights of heirs-at-law, devisees, next of kin, legatees, trustees, and cestuis que trust under administration wills.

Whether the administration of insolvent estates should be transferred to the Court of Bankruptcy, is an experiment upon which opinions may differ; but to give any single creditor the option of taking the administration to that Court, originating and keeping the proceedings there, is surely going further than is necessary.

No proceeding can be more expeditious, effective, or economical, than the present mode of obtaining an administration order by summons at chambers in the Court of Chancery. No reform is needed on that head; and it would surely answer every purpose if, after such an administration was commenced, the majority of the creditors should have the power of causing the further administration and realisation of the estate if it should prove to be insolvent, to be transferred to the Bankruptcy Court for the district in which the principal creditors may reside or the property be situated.

There are many objections of detail to the clauses in the Bill which profess to work out this new system, but as it is to be hoped that the Legislature will not sanction the principle of such a wholesale cesser of original jurisdiction by the Court of Chancery to the Bankruptcy Court, I trust it will not become necessary to discuss them.—I am, Sir, your obedient servant,

A SOLICITOR.

March 29, 1859.

To the Editor of THE SOLICITORS' JOURNAL & WEEKLY REPORTER.

SIR,—I am very glad you have published Mr. Lawrance's admirable, and, in my opinion, unanswerable reasons for retaining the services of official assignees in all cases of bankruptcy. I believe that no greater injury could be inflicted upon the mercantile classes as regards the realisation of the assets of debtors, and their subsequent distribution, than would inevitably follow upon the abolition of the office of official assignee. So strongly do I feel this, that I would rather retain the present system with all its defects, than adopt any other which opened so wide a field for fraud and peculation as the old system under which the creditors' assignees had virtually the uncontrolled disposition of the bankrupts' assets.

What the results of that modus operandi were everybody knows by reputation, if not by experience, and can we flatter ourselves that commercial integrity has made such advances during the full twenty-five years that similar effects would not follow from similar causes? I do not hesitate to say, that with the experience of past times staring them in the face, and with the ordinary knowledge of human nature which every man possesses, it would be unjustifiable in the legislature to pass an Act, expressly presenting the same temptations to dishonesty, carelessness, and waste, as existed previously to 1831.

No doubt, having regard to our own professional interests, we ought to desire a recurrence to the old plan, under which the whole management of the estate necessarily devolved upon the solicitor; for how can a mercantile man who has his own affairs to attend to, give up the time requisite for writing letters for payment of debts, investigating accounts, examining the bankrupt and his books, conducting negotiations, and attending to many other details which now devolve upon the official assignee, but would then form part of the business of the solicitor.

The interests of the public, however, which those of the profession ought always to subserve, demand the continuance of a body of officials, who, with few exceptions, have given very great satisfaction to all who have had business relations with them.—I am, Sir, your obedient servant,

H. J. PRESTON.

10, Austin Friars, March 29, 1859.

IMPRISONMENT BY COUNTY COURT JUDGES.

To the Editor of The Solicitors' Journal & Weekly Reporter.

Sir,—In your last number you favoured your readers with a copy of letter from H. Stapylton, Esq., judge of the county courts in Circuit 2, addressed to the Attorney-General, in which the learned judge suggests a modification of the powers of commitment of debtors, now possessed by him and his learned colleagues. Mr. Stapylton's suggestion is, that in cases not exceeding 40*s*, the period of imprisonment shall be restricted to seven days; in cases exceeding that amount, to forty days; the debtor, in the first class of cases, to be exempt from future imprisonment; and in the second class, not to be liable to more than two imprisonments.

The learned judge asserts that he is fully convinced "that a limited power of commitment is necessary for the effectual working of the County Court Acts, and that a short imprisonment is neither harsh, cruel, nor unjust;" and he bases his conviction on the fact that "there are an immense number of workmen without furniture, or any other property, *earning great wages*, who will not pay their debts, except from the fear of imprisonment;" and he goes on to say that "it is only from fear of imprisonment that a great part of the defendants will pay the debt and costs by instalments."

Now, the learned judge's opinion being as above stated, I am quite at a loss to know why he should recommend the Attorney-General to cut down the power of imprisonment in the manner abovementioned. I have no hesitation in saying that the fear of an imprisonment for seven days would not be with the majority of obstinate debtors any inducement to them to pay their debts; on the contrary, if out of work at the time, or if determined to spite the plaintiff, they would prefer in the one case, and would not have any objection in the other, to go to prison, knowing full well that the plaintiff could not send them again. That is how the learned judge's suggestion, with reference to 40*s*. cases, would, I fear, operate.

The learned judge's proposal with reference to cases above 40*s*. is not so open to objection, as twenty-eight days' incarceration would, perhaps, be as much dreaded by the ordinary run of debtors as the present more extended period. Cases have occurred in this district where defendants have been committed several times for the full period, their chief motive in not paying being to spite the plaintiff, and exhibit their determination. In other cases, the discretionary power given to the judge is, I imagine, a sufficient guarantee that the power of commitment will not be oppressively exercised; but if, unfortunately, any of the judges do not exercise a sound and merciful discretion, by all means curb their power without any delay.

With reference to the last clause of the learned judge's letter, recommending the repeal of the 48th sect. of 19 & 20 Vict. c. 108, which empowers the judge to commit a defendant residing out of his district, I would respectfully urge that the section is of the greatest use in reaching a peregrinating class of debtors, who would otherwise bid defiance to their creditors. The hardships alluded to by Mr. Stapylton could, no doubt, be obviated by a letter from the defendant, whose neglect to write one or to take any notice of the judgment summons is, I fancy, generally caused by an idea, happily a false one, that the plaintiff cannot reach him except by putting himself to the expense of sending an officer after him, he not being aware of the system of communication between the several courts.

In these days of morbid sympathy for debtors and criminals, it behoves us to be very careful not to alter the laws to the benefit of rogues and the injury of their victims.—Your obedient servant,

R. D.

The Provinces.

Birmingham.—At the quarter sessions, on Monday last, the Recorder made the following observations to the grand jury on the present inadequate scale of remuneration for witnesses:—"In February, 1858, an order was made by the Secretary of State for the Home Department, abrogating, by one stroke of the pen, the established scale of payment to witnesses, constables, and others, whose attendance is required at criminal trials. On what evidence (any or none) this innovation was made, I know not, but it is difficult to imagine a measure so thoroughly ill-judged. It cuts down the remuneration to a point which leaves the witness a loser, even as regards expenses, out of pocket (to say nothing of loss of time) whenever he travels to a distance from his home, in order to give his testimony against a prisoner; insomuch that it is becoming a common practice for injured parties to restrain their natural desire to punish the wrong-doer, from whose dishonesty they have suffered, they not being able to bear the additional burden of loss imposed on them in prosecuting the malefactor. Gentlemen, it is not difficult to imagine the effect that must have been produced by this grave error on all who would otherwise come forward as prosecutors. But its bearing on constables and other inferior members of the police is even more to be lamented. Fortunately, it does not happen to any person out of that body to be frequently called upon either to prosecute or to give evidence on a criminal trial. Not so as regards the officers of police. These men are summoned often to distant parts of the country to give evidence against prisoners, sometimes for the purpose of identifying them with criminals who have previously been convicted, and sometimes with reference to the facts of the particular case then before the Court. I have in my possession documents abundantly proving the great hardships which these public servants, humble in degree, but most important to the safety and comfort of the community, are undergoing from the working of this pernicious ordinance. I had prepared myself to prove to you, in detail, that its effect was to discourage, and in the end to destroy, the zeal of these men in their vocation; to punish those habits of close and patient observation and diligent inquiry which enable them to track and identify criminals; to set a fine, in short, upon all the qualities which distinguish a police officer above his fellows, and make him valuable to his employers and the public. But I have learnt within the last few days that a Royal Commission is sitting, charged with the duty of investigating the results of the measure upon which I have thus freely commented; and since I came here on Saturday last I have learnt, and have been very glad to learn, that the order of February, 1858, will be abrogated in its turn, and will give place to one less obnoxious to just animadversion. To the effect of the existing order I attribute no small portion of the apparent diminution of crime. Indeed, gentlemen, I am so thoroughly persuaded of the enormous evils produced by the new scale that, as it appears we must yet wait some considerable time for the construction of its successor, I venture to express my anxious desire, in which I think you will join me, that it should be immediately superseded by the provisional re-establishment of the old scale, until that to be proposed by the Royal Commissioners can be brought into action." [As an illustration of the evils consequent upon the present miserably inadequate scale of fees allowed to witnesses in criminal cases, we may here mention that Mr. T. Harding, solicitor, this morning received a letter from Mr. Benjamin Stable, the Governor of the County Gaol at Worcester. The letter had reference to the identification of a prisoner, now in custody in Birmingham, with regard to a prior conviction at Worcester. Mr. Stable intimated that none of his officers would feel thankful at being summoned to Birmingham in such a matter, owing to the scale of expenses allowed not being sufficient to maintain them.—*Daily Post.*]

Kingston.—*The Assizes.*—The commission for the County of Surrey was opened here on Saturday. Baron Martin, in charging the grand jury, complimented the magistrates of the county upon the manner in which they had administered the law, and said, that their holding a quarter session before the assizes had had the effect of disposing of a great many trifling cases; and the charges contained in the present calendar were, consequently, such as really ought to be tried by her Majesty's judges, and he contrasted this proceeding with that which was adopted in a neighbouring county (Kent), where, at the present assizes, owing to the magistrates not holding such session, there were upwards of a hundred prisoners for trial, and the great majority of the cases were of the most trivial description.

Newcastle-on-Tyne.—Sir W. G. Armstrong has sent the following reply to the congratulatory address voted to him at the recent meeting of the Newcastle and Gateshead Law Society, on the occasion of his receiving the honour of knighthood. Mr. Armstrong was, till within the last ten or twelve years, a solicitor of this town. Afterwards he became one of the most extensive engineering manufacturers on the Tyne:—

8, Great George-street, Westminster,
March 14, 1859.

My Dear Sirs,—I cannot adequately express the gratification I have felt at receiving the address which has been sent to me, from my old comrades in the Law Society of Newcastle and Gateshead. Although my pursuits are so different now, that to look back upon the time when I belonged to that society is like looking back upon a previous state of existence, yet they can never obliterate the pleasant recollection I have of the intelligence, integrity, and urbanity, which distinguished my friends and companions in the legal profession.

However much I value any public distinction I may have gained, yet the approval of old friends and personal associates goes more to my feelings, and is prized more highly.—I am, my dear Sirs, sincerely yours.

The Secretaries of the Law Society of Newcastle-upon-Tyne and Gateshead. W. G. Armstrong.

Tynemouth.—*The Hong-kong Trial.*—The following letter has been received from the Colonial Office in reply to the petition adopted by a public meeting at North Shields with regard to the recent trial:—"Downing-street, 16th March, 1859.—Sir,—I am directed by Secretary Sir E. B. Lytton, to acquaint you that he has received your letter, dated 2nd instant, and that he has laid before the Queen the petition which accompanied it from a meeting of the inhabitants of Tynemouth, on the subject of circumstances connected with the case of the *Queen* v. *Tarrant*, recently tried at Hong-kong. I am desired to state that the circumstances of this case are not yet fully before her Majesty's Government, but that when these are received, they will take such steps in the matter as may appear to be required.—I am, &c., Carnarvon.—Edward Potter, Esq., Mayor of Tynemouth."

Ireland.

The *Northern Whig* states that Mr. William Carey Dobbs, M.P. for Carrickfergus, will succeed the late Judge Martley in the Landed Estates Court. This appointment, it adds, will be received by professional men with great satisfaction.

Review.

Le Barreau de Bordeaux. Par M. Henri Chauvot.* Paris: Durand.

(*Continued from page* 373.)

It is only when he unites his history with that of his country that the reputation of the orator descends to posterity. Sir Thomas More is better known as the victim of Henry VIII., and the friend and correspondent of Erasmus, than as the successful advocate and impartial judge. We know Vergniaud, Guadet, Gensonné, better as the leaders of the Girondists, than as the eloquent and successful advocates of Bordeaux. Of these three men, Vergniaud attained most distinction in the National Assembly as an orator; he was there called the eagle of the Gironde. M. Chauvot gives us a specimen of his early style, in which we see the exuberant luxuriance of his imagination burst forth in language which, in our time, would be called, at the least, extremely florid. He is defending a woman charged with infanticide. The case for the prosecution is invulnerable, and his only hope is by a passionate appeal to the tribunal to persuade it of the moral impossibility that the prisoner, who was the mother of the infant, could have herself committed so vile and monstrous a crime. Speaking in the person of his client, he opens thus:—"I am accused of having blighted the spring-time of my days, of having yielded to the desire of becoming a mother before that desire was legalised by a sacred tie, and religion had purified it at the altar of Hymen. What do I say? I am accused not merely of having lost all shame, outraged virtue, offended religion, I am not only an unjust and cruel stepmother, . . . I am a monster, the horror of humanity! I am accused of having laid my parricidal hands on the fruit of my debauchery, of having given it unclean places, which we scarcely dare to name, as a sepulchre, whence it was subsequently torn by animals called by their voracity to this sewer to seek their daily food." In 1789, when he had attained the maturer age of thirty, Vergniaud pleaded against Sœur Sainte Columbe, who, after having been a cloistered nun for forty years, came from her convent to claim her share in the property of a deceased relative. He opened thus:—"Consecrated for more than forty years to the monastic life, still attired in its sacred livery, which equally proclaims both her renunciation of all earthly affections, and her absolute devotion to religion, by a sudden change which makes us lament over human inconstancy, a sexagenarian woman re-appears in the world, not to reclaim her right to citizenship, but to wrest from the hands of citizens a goodly inheritance. Like to the children of Israel, who fled into the deserts of Sin and Horeb, laden with the treasures of Egypt, she also desires to bear into her solitude the vain riches which attract the world she has left. But the children of Israel obeyed the commands of the Deity; she, on the contrary, has no other God for her guide than an insensate ambition."

Vergniaud is described by his biographer as a man who in the crowd would have attracted no attention; his face was expressionless, and his gait slovenly; but at the bar, his lofty stature and massive shoulders imparted an air of majesty to his presence. There, he raised his head on high, his black eyes shot fire from beneath his shaggy eyebrows; his lips seemed formed to pour forth a torrent of burning words; and the volume and sweetness of his voice, his calm and at first reserved gesture, added to the effect of his brilliant language. But as an advocate he had a great fault, he was incorrigibly indolent. A procureur used to relate, that having one day two very important matters for the young advocate, he entered his cabinet, and was proceeding to inform him of the facts, when Vergniaud, after yawning for a moment, opened his desk, and, seeing that he had some money still remaining, begged of the worthy procureur to carry his papers elsewhere.

The troubles which commenced in France in 1789, drew Vergniaud and many of his confrères away from the pursuit of their ordinary avocations to mingle in the turbulent arena of politics. Their short, but brilliant career is known to every one. Who has not read with pity the story of those generous, but mistaken men, who sacrificed their lives in the endeavour to maintain the Revolution in the paths of justice and humanity? They saw, when it was too late, that the blind and angry multitude had become their masters, and found, that in stimulating the passions of the people, they had raised a devil which all their eloquence was powerless to quell.

The bar, which, during the Revolution had fallen into a state of dissolution, was not reorganised until the year 1810, when a decree was made to that effect. This decree was not satisfactory to the members of the bar, but it was not to be expected that an order of men who had never cordially accepted the empire, who had all along seen through the vain and selfish ambition of the man who ruled the destinies of France, and who, moreover, foresaw the ruin which his insensate pride and rapacity were entailing upon their country, it was not to be expected, we say, that these men should obtain any great favour from the imperial generosity. Accordingly, Napoleon always disliked the bar; he called the advocates ideologues, and affected to treat them with contempt; we have no doubt that it would have been his desire to deal with them as Peter the Great said he would deal with the only lawyer he had in his dominions. During the empire, three celebrities of the bar were, Lainé, Ferrère, and Ravez. M. Chauvot gives us some interesting extracts from their speeches, but we have not space to insert them. Some of the cases are extremely curious, and are worthy of a place in the next edition of the "Causes Célèbres."

M. Chauvot, although he only professes to give us the history of the Bordeaux Bar down to 1815, brings us down to 1830 by his account of Martignac and Peyronnet, two names celebrated in the last years of the Bourbon rule. Martignac, as minister of justice, pointed out to the monarch the abyss yawning at his feet; but it was in vain: the king was resolved, and the minister had no course left but resignation. He was succeeded by another advocate of Bordeaux, M. Peyronnet, who, though opposed to the fatal ordinances, suffered himself to be persuaded into signing them. It is said that the Duc d'Angoulême charged him with fear, and that Peyronnet, turning to the king, said—"You wish for my head, sire," and signed his name. The anecdote, if true, is characteristic. We all know the result—the 29th of July, the flight of the Royal family, the accession of Louis Philippe. We have all read of that eventful trial, where the ministers were accused of lèse-nation, and an infuriated populace surrounded the Court, thirsting for the blood of those whom they deemed their bitterest enemies. Fortunately for France, she was spared the crime of imbruing her hands with the blood of men who, though they may have been misguided, were certainly not guilty of treason.

In taking leave of M. Chauvot, we can cordially recommend his book to those who wish for an account of some of the most brilliant forensic orators of France in modern times. It has been found impossible to give any extracts which would afford an adequate idea of the men; but those who like to see what has been done in France by the ornaments of the bar, who wish to contrast the style and peculiarities of the French avocat with those of his English brethren, cannot resort to a more trustworthy or amusing source than the work which we have been noticing.

The Washington Murder.—The grand jury found a true bill, on the 15th inst., against Mr. Sickles for murder. They had a long discussion in the jury-room as what ought to be done with Mr. Butterworth. What course they will pursue is not known. Two of them are known to be in favour of indicting him as participes criminis.

* In the former notice the name was erroneously spelt Chauvot, instead of Chauvot, as here.

Societies and Institutions.

LAW AMENDMENT SOCIETY.

A general meeting of this society will be held at their rooms, on Monday next, at eight o'clock, to receive a report from the committee, to whom was referred the consideration of the Lord Chancellor's Debtor and Creditor Bill, and Lord John Russell's Bankruptcy and Insolvency Bill.

JURIDICAL SOCIETY.

A meeting of this society, which took place on Friday evening, was devoted to the consideration of a paper by Mr. J. Williams, "Upon the Division of Labour in the Judicial Administration of the Law." The author was warmly in favour of subdividing judicial authority, with a view of obtaining greater skill in each department. Division of labour was, he considered, one of the principal elements of progress. Where the labour was most divided, the work accomplished was the most perfect, and the most highly finished. That which was the case in mechanical pursuits held good in the administration of justice. Such an arrangement would not only give a high character to the tribunals of the country, but would also be of material advantage to the suitors. While, however, he would divide the labours of the judges, he would establish, as a corrective of any extravagance which might arise from their acting separately, a supreme Court of Appeal, consisting, like the Court of Delegates in Ireland, of judges selected from the subordinate tribunals. The paper concluded with a dissertation upon the fusion of law and equity, and upon the provisions of the Landed Estates Bill at present pending in Parliament. An animated discussion among the members present followed the reading of the paper, and the meeting separated.

An announcement was made during the evening to the effect, namely, that the Lord Chancellor had consented to become the President of the society for the current year.

LONDON MECHANICS' INSTITUTION.

On Monday afternoon a public meeting was held in the large room at Willis's, for the purpose of promoting a subscription which had been commenced with a view of enabling Lord Brougham and Mr. Joshua Walker, the trustees of the institution, to purchase the premises which it occupies in Southampton-buildings, and thus release his Lordship and his co-lessee from all liability, and place the institution on a firm and durable basis.

The Earl of Carlisle took the chair. A report was read setting forth the great educational value of the institution, and the heavy expenses which paralysed all its efforts. The chairman, in opening the proceedings, said:—The institution was the first of the kind ever established, and may be considered as the parent of more than 600 that have since sprung up. This institution had for thirty-five years, to a great extent, accomplished the object of its founders by affording instruction in various branches of science, art, and literature, to more than 700 students annually, while at the present time about 1100 still attended weekly at the different classes. The lease under which the premises were held was of a long duration, and it empowered the institution to purchase the reversionary interest of its landlord, and so reduce the annual payment to a small ground-rent, for the sum of £3500—£1700 of which had already been subscribed. For the lapse of many years the number of the original trustees had been reduced to two, Lord Brougham and Mr. Walker. Lord Brougham, though not the original founder of mechanics' institutions, had been the very first to assist the efforts of the late Dr. Birkbeck, who, it was now admitted, had originated the idea. Lord Brougham had attained an illustrious position in science and letters, and had discharged the highest judicial functions of the state, and it was not fitting that he should now become liable for expenses in consequence of his having led the way to those improvements and institutions which had proved so eminently advantageous to the cause of popular education and social progress, and of which the full benefits were out of the reach of any human being to estimate or calculate.

Several resolutions were passed, having for their object the promotion of a public subscription for the relief of the present trustees from all liability.

The proceedings then terminated with the usual vote of thanks to the noble chairman.

FISHMONGERS' COMPANY.—On Friday evening, the livery dinner of this corporation was given in the noble hall of the company, Thomas Boddington, Esq., Prime Warden, in the chair. Nearly 200 gentlemen sat down to the banquet. The cloth having been drawn, the customary loyal toasts were drunk. In reply to that of "the Bar," Vice-Chancellor Kindersley and Mr. Serjeant Murphy both spoke—the former referring as an evidence of the progress which had been made in Chancery reform, to the fact that there were now not only no arrears of business, but that even sometimes there were no cases before the Courts of the Vice-Chancellors, while the latter learned gentlemen made a brief but most humorous and brilliant speech in praise of the various municipal companies.

Law Students' Journal.

TRINITY TERM, 1859.

Prospectus of the Lectures to be delivered during the ensuing Educational term, by the several Readers appointed by the Inns of Court

CONSTITUTIONAL LAW AND LEGAL HISTORY.

The Public Lectures on Constitutional Law and Legal History will comprise the following period:—

The Reader will trace the Rise and Progress of our Constitution from the Reign of Richard II. to the Accession of the House of Brunswick.

In his Private Classes the Reader will continue the Course he is engaged in, and which has reached the year 1683, till the Revolution; and will then enter upon a new series, beginning with the Reign of Henry II.

The Books to which the Reader will refer are:—

Blackstone's Commentaries, by Kerr; Hallam's Constitutional History; Appendices to Hume's History; Hayes's History of Conveyancing; Rapin's History of the Period; State Trials (during the period); Butler's Notes on Uses and Trusts, in his edition of Coke upon Littleton; Millar's History of the Constitution; Statute Book (of the period); Fortescue (Amos); Clarendon's Life and History; May's History; Professor Creasy's Work on the Constitution; Parliamentary History of the Period; Ralph's History.

EQUITY.

The Reader of Equity proposes to deliver, during the ensuing Educational Term, a Course of Ten Lectures on the following subjects:—

1. The Jurisdiction of Equity in Matters of Account and Set-off.
2. On Partnership.
3. On Relief in cases of Mistake and Accident.
4. On Frauds.

The Reader will continue with his Senior and Junior Classes the general courses of Equity already commenced. He will also continue in both Classes to explain the leading rules of Pleading in Equity from the work of Lord Redesdale.

THE LAW OF REAL PROPERTY.

The Reader on the Law of Real Property proposes to deliver, in the ensuing Educational Term, a Course of Ten Public Lectures on the following subjects:—

1. The Law of Fixtures.
2. Powers and Trusts for Sale.
3. Conditions of Sale.
4. The Law of Life Assurance.

In his Private Classes the Reader on the Law of Real Property will, where necessary, refer more particularly to the Cases cited in the Public Lectures, and he will pursue his Course of Real Property Law, using the work of Mr. Joshua Williams as a Text-Book.

JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law proposes, in the course of the ensuing Educational Term, to deliver Ten Public Lectures on the following subjects:—

1. International Law, so far as its Principles depend on those of Roman Law.
2. The Early History of Written Law.
3. The Early History of Equity.
4. The Early History of Civil Process.
5. Principles of Classification in Jurisprudence.

With his Private Class the Reader will begin by discussing the subject of Roman Testamentary Law. He will then consider several departments of the more modern Civil Law, using as his Text-book the work of Mackeldey, called *Systema Juris Romani hodie Usitati*. On certain days he will read selected Titles of the Digest.

COMMON LAW.

The Reader on Common Law proposes to deliver, during the ensuing Educational Term, Ten Public Lectures, as under:—

Prior to the Recess, the Reader will Lecture on the Law of Torts and Actions ex Delicto of ordinary occurrence.

After the Recess, the Lectures will embrace the following subjects connected with Criminal Law.

Lecture I.—The Elementary Principles of our Criminal Law.
Lecture II.—Criminal Procedure.
Lecture III.—Specific Offences: 1. Against the Person; 2. Against Property.

With his Private Class the Reader will lecture on the Law of Torts, and the nature of actions appropriate for the redress of wrongs, citing and analysing cases in elucidation of his subject. He will subsequently lecture on Criminal Law, treating it according to the plan above indicated. The Text-books for reference will be Smith's "Leading Cases," Archbold's "Criminal Pleading," and Stephen's "Commentaries."

Court Papers.

Court of Chancery.

SITTINGS.—Easter Term, 1859.

LORD CHANCELLOR.

At Westminster.

Friday, April 15..App. Mtns.& Apps.

At Lincoln's Inn.

Saturday 16..Petns. & Appeals.
Monday 18 } Appeals.
Tuesday 19 }
Wednesday 20 }
Thursday 21 }
Wednesday 27..App. Mtns.& Apps.
Thursday 28 }
Friday 29 }
Saturday 30 } Appeals.
Monday, May 2 }
Tuesday 3 }
Wednesday 4..App. Mtns.& Apps.
Thursday 5 }
Friday 6 }
Saturday 7 } Appeals.
Monday 9 }
Tuesday 10 }
Wednesday 11..Petns. & Appeals.
Thursday 12..App. Mtns.& Apps.

Notice.—Such days as his Lordship is hearing Appeals in the House of Lords are excepted.

MASTER OF THE ROLLS.

At Westminster.

Friday, April 15..Motions.

At Chancery Lane.

Saturday 16..Gen. Petition Day.
Monday 18 }
Tuesday 19 } General Paper.
Wednesday 20 }
Thursday 21 }
Wednesday 27..Motions.
Thursday 28 }
Friday 29 }
Saturday 30 } General Paper.
Monday, May 2 }
Tuesday 3 }
Wednesday 4..Motions.
Thursday 5 }
Friday 6 }
Saturday 7 } General Paper.
Monday 9 }
Tuesday 10 }
Wednesday 11..Gen. Petition Day.
Thursday 12..Motions.

Unopposed Petitions, Short Causes, Short Claims, Consent Causes, Claims, and Adjourned Summonses, every *Saturday*. The Unopposed Petitions will be taken first, and must be presented, and Copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

THE LORDS JUSTICES.

Friday, April 15..Appeal Motions.

At Lincoln's Inn.

Saturday 16 { Petns. in Lunacy, App. Mtns., Appeal Petns., & Appeals.
Monday 18 }
Tuesday 19 } Appeals.
Wednesday 20 }
Thursday 21 }
Wednesday 27..App. Mtns. & Apps.
Thursday 28..Appeals.
Friday 29 { Petns. in Lun. & Bktcy., App. Petns., and Appeals.
Saturday 30 }
Monday, May 2 } Appeals.
Tuesday 3 }
Wednesday 4..App. Mtns. & Apps.
Thursday 5..Appeals.
Friday 6 { Petns. in Lun. & Bktcy., App. Petns., and Appeals.

V. C. Sir R. T. KINDERSLEY.

At Westminster.

Friday, April 15..Motions.

At Lincoln's Inn.

Saturday 16 { Ptns., Sht. Causes, Sht. Cls., Adj. Sums. & Gen. Pap.
Monday 18 }
Tuesday 19 } General Paper.
Wednesday 20 }
Thursday 21 { Unopposed Ptns. & General Paper.
Wednesday 27..Mtns. & Gen. Paper.
Thursday 28..General Paper.
Friday 29..Petitions.
Saturday 30 { Sht. Causes, Sht. Cls., Adj. Sumns., & Gen. Paper.
Monday, May 2 } General Paper.
Tuesday 3 }
Wednesday 4..Mtns. & Gen. Pap.
Thursday 5..General Paper.
Friday 6..Ptns.
Saturday 8 { Sht. Causes, Sht. Cls., Adj. Sumns., & Gen. Paper.
Monday 9 } General Paper.
Tuesday 10 }
Wednesday 11 { Unopposed Ptns. & General Paper.
Thursday 12..Mtns. & Gen. Pap.

V. C. Sir JOHN STUART.

At Westminster.

Friday, April 15..Motions.

At Lincoln's Inn.

Saturday 16 { Petns., Sht. Causes, Sht. Clms., & Gen. Paper.
Monday 18 }
Tuesday 19 } General Paper.
Wednesday 20 }
Thursday 21 }
Wednesday 27..Mtns. & Gen. Pap.
Thursday 28..General Paper.
Friday 29..Ptns. & Gen. Pap.
Saturday 30 { Sht. Causes, Sht. Cls. & Gen. Paper.
Monday, May 2 } General Paper.
Tuesday 3 }
Wednesday 4..Mtns. & Gen. Pap.
Thursday 5..General Paper.
Friday 6..Ptns., & Gen. Pap.
Saturday 7 { Sht. Causes, Sht. Cls., & Gen. Pap.
Monday 9 }
Tuesday 10 } General Paper.
Wednesday 11 }
Thursday 12..Motions.

V. C. Sir W. PAGE WOOD.

At Westminster.

Friday, April 15..Motions.

At Lincoln's Inn.

Saturday 16 { Ptns., Sht. Causes, Cls., & Gen. Paper.
Monday 18 }
Tuesday 19 } General Paper.
Wednesday 20 }
Thursday 21 }
Wednesday 27..Mtns. & Gen. Pap.
Thursday 28 }
Friday 29 } General Paper.
Saturday 30 { Ptns., Sht. Causes, Cls., & Gen. Pa.
Monday May 2 }
Tuesday 3 } General Paper.
Wednesday 4..Mtns. & Gen. Pap.
Thursday 5 }
Friday 6 } General Paper.
Saturday 7 { Ptns., Sht. Causes, Cls. & Gen. Paper.
Monday 9 }
Tuesday 10 } General Paper.
Wednesday 11 }
Thursday 12..Motions.

Queen's Bench.

EASTER TERM, 1859.

CROWN PAPER.

St. Helens. Charles Frederick Lees, Plaintiff in Error, *v.* The Queen, Defendant in Error.
Wilts. The Queen *v.* James L. Jeffery & Another.
Middlesex. The Queen, on the Prosecution of the Poor Law Board, *v.* The Governors and Directors of the Poor of the Parish of St. James's, Westminster.
Monmouthshire. The Queen, on the Prosecution of the Town Council of Newport, *v.* Charles Burton Fox.
Essex. The Queen, on the Prosecution of the Churchwardens, &c., of Tolleshunt Knights, Respondents, The Rev. William Henry Friend, Clerk, Appellant.
Brighton. The Queen *v.* The Inhabitants of the Parish of Hoelingly.
Staffordshire. The Queen *v.* John Howell.
Wilts. The Queen *v.* Henry Edwards Freeman & Another.
Somerset. William Westover, Appellant, Charles Perkins, Respondent.
Gloucestershire. George Lee, Appellant, Henry Strain, Respondent.
Kent. John Denn, Appellant, Charles Robert Badger, Respondent.
Kent. Benjamin Smith, Appellant, Charles Robert Badger, Respondent.
Kidderminster. The Town Council, Appellants, Richard Vaisey Court, Respondent.
Staffordshire. William Ashmore, Appellant; Joshua Horton and Another, Respondent.
Gloucester. George Lee, Appellant; William Boulton, Respondent.
Bucks. William M'Kie, Appellant; Henry Andrews, Respondent.
Devon. John Martin, Appellant; Henry Pridgeon, Respondent.
Blackburn. Thomas R. Parkinson, Arpellant; The Mayor, &c., of Blackburn, Respondents.
Kent. Charles Viner, Appellant; The Churchwardens, &c., of Tunbridge, Respondents.
W. R. Yorkshire. The Queen *v.* The Inhabitants of Skircoat.
Staffordshire. George Hardy, Appellant; Daniel S. Bergen, Respondent.
Newport. George Purkis, Appellant; John Huxtable, Respondent.
Staffordshire. The Queen on the prosecution of West Bromwich Improvement Commissioners, Respondents; The Great Western Railway Company, and Edward Maude and Edwin Bullock, Appellants.
Kent. Richard Spicer and Others, Appellants; George Cobb Ledger, Respondent.
W. R. Yorkshire. Benjamin Burnley, Appellant; The Overseers of the Poor of Methley, Respondents.
Somerset. Thomas Harris, Appellant; John Richards, Respondent.

Exchequer of Pleas.

SITTINGS IN BANCO.—Easter Term, 1859.

Friday, April 15 ..... Motions and Peremptory Papers.
Saturday, „ 16 ..... Errors, Peremptory Paper, & Motions.
Wednesday, „ 20 ..... Special Paper.
„ „ 27 ..... „ „
Saturday, „ 30 ..... Criminal Appeals.
Monday, May 2 ..... Special Paper.
Wednesday, „ 4 ..... „ „

PEREMPTORY PAPER.

To be called on the first day of the Term after the Motions, and to be proceeded with the second day of the Term, if necessary, before the Motions.

In the matter of an arbitration between the Waveney Valley Railway Company and the Rev. Edward Adolphus Holmes and others (to set aside award).

In the matter of an arbitration between the Waveney Valley Railway Company and Charles Umphelby, Esq. (to set aside award).

Binet *v.* Picot (to set aside writ of summons for irregularity).

ERRORS AND APPEALS FROM THE COURT OF EXCHEQUER.

For Judgment.

Appeal. M'Manus *v.* The Lancashire and Yorkshire Railway Company (heard Dec. 1, 1858).

For Argument.

Error. Cammell and Others *v.* Sewell and Others (part heard).
Appeal. Williams *v.* Smith.
„ Phillips *v.* Naylor.
Error. Pennington and Others *v.* Cardale and Another.
Appeal. Hare and Another *v.* Brown and Another.
„ Harrison and Another *v.* Taylor.
Error. The New Brunswick Canada Railway and Land Company "Limited" *v.* Muggeridge.

SPECIAL PAPER.

For Judgment.

Dom. Dick *v.* Tollhausen.
„ Snodin *v.* Boyce.

FOR ARGUMENT.

Dem. Brewer v. Dimmack and Another (standing for arrangement).
" The London and North Western Railway Company v. The Great Western Railway (to stand over for arrangement).
" Hart v. The South Wales Railway Company.
" Marsden v. Moore and Another.
Sp. case. Reynolds and Others, Assignees, &c., v. Hall.
" Ionides v. Harford.
Dem. Oliver v. Pike.
" Heap and Others v. Robinson.
" Mosely v. Jones.
" The Monmouthshire Railway and Canal Company v. Hill and Another.
" Shand and Another v. Sanderson.

NEW TRIAL PAPER.

FOR JUDGMENT.

London. Zipcy v. Hill.

FOR ARGUMENT.

" Bovill v. Pimm and Another.
" Wyborn v. The Great Northern Railway Company.

MOVED MICHAELMAS TERM, 1858.

Liverpool. Gibbs and Others v. The Mersey Docks and Harbour Board.
" Sheldon v. The East Indian Railway Company.
Chelmsford. Goodwyn v. Cheveley.
Guildford. Hills v. The London Gaslight Company.

MOVED HILARY TERM, 1859.

Middlesex. The Times Fire Assurance Company v. Hawke.
London. Cornish v. Abington.
Middlesex. Godwin v. Culley.
" Edwards and Another v. Culley.
London. Coward v. Baddeley.

Births, Marriages, and Deaths.

BIRTHS.

ANDREWS—On Mar. 26, at Sudbury, Suffolk, the wife of G. W. Andrews Esq., of a daughter.
DORMAN—On Mar. 30, at Park-road, Haverstock-hill, the wife of Charles Dorman, Esq., of a son.
EVANS—On Mar. 30, at 48 Clifton-gardens, Maida-hill, the wife of Worthington Evans, Esq., of a son.
HORWOOD—On Mar. 28, at Hanger-lane, Stamford-hill, the wife of Thomas Horwood, Esq., of a daughter.
HOUSMAN—On Mar. 26, at the Valley, near Bromsgrove, the wife of Mr. Edward Housman, of a son.
MARKBY—On Mar. 28, the wife of Henry Markby, Esq., of a daughter.
MILLER—On Mar. 29, at 14 Isabel-place, Camberwell New-road, the wife of Daniel James Miller, of 24 Cannon-street West, London, Solicitor, of a daughter, still-born.
PULLEY—On Mar. 28, at Holt-hill, Birkenhead, the wife of William Pulley, Esq., of Lincoln's-inn, Barrister-at-Law, of a daughter.
WHITEHEAD—On Mar. 28, the wife of Arthur Whitehead, Solicitor, St. Faith's, Maidstone, of a daughter.
WILLIAMS—On Mar. 28, prematurely, at Windsor-villa, Cardiff, Mrs. Richard Wyndham Williams, of a daughter.

MARRIAGES.

ALGER—LLOYD—On Mar. 24, at St. Andrew's, Holborn, by the Rev. H. G. S. Blunt, rector, Owen T. Alger, Esq., of Bedford-row, to Catherine, widow of the late Edward Lascelles Lloyd, Esq., of Upper Brook-street, Grosvenor-square.
GREEN—HUTCHINSON—On Mar. 31, at Bishopton, by the Rev. William Cassidi, Vicar of Grindon, assisted by the Rev. George Green, vicar of Bishop Auckland, W. S. Sebright Green, Esq., fourth son of Captain Green, of Buckden, Huntingdonshire, to Emily, fifth daughter of the late Thomas Hutchinson, Esq., of Stockton-on-Tees.
SMITH—WOOD—On Mar. 29, at Christchurch, Highbury, Augustus Delauney Smith, Esq., of Mornington-crescent, Regent's-park, and of Great James-street, Bedford-row, only son of the late Ambrose Smith, Esq., to Maria Matilda, only daughter of the late Benjamin Wood, Esq., of Tavistock-square.
STEWART—WARNER—On Feb. 10, at Port of Spain, Trinidad, by the Rev. S. L. B. Richards, rector of Trinity Church, assisted by the Chaplain of the flag-ship Indus, Robert Farquhar Shaw Stewart, Esq., son of the late Sir Michael Shaw Stewart, Bart., of Ardgowan, Renfrewshire, to Isabella Jane, eldest daughter of the Hon. Charles W. Warner, Her Majesty's Attorney-General of Trinidad.

DEATHS.

BACON—On Mar. 30, at 1 Kensington-garden-terrace, Laura Frances, wife of James Bacon, Esq., Q.C.
CHRISTOPHER—On Mar. 23, at his residence, Penton-place, John Danby Christopher, of Argyll-street, Solicitor, only son of the late John T. Christopher, Esq., formerly of Bishop Auckland and Crook Hall, in the county of Durham, aged 58.
DWYER—On Mar. 27, at Rockwood House, Burnley, Lancashire, Mary, wife of Edward Dwyer, Esq., of Lincoln's-inn, Barrister-at-Law.
PEDDER—On Mar. 24, at Brighton, Sir John Lewes Pedder, Knt., late Chief Justice of the Supreme Court, Van Diemen's Land.
SLAUGHTER—On Mar. 26, Frances, wife of Edward Slaughter, Esq., of 15 Mansfield-street, Cavendish-square, and second daughter of the late Sir Edward Mostyn, Bart., R.I.P., of Talacre, in the county of Flint.
SMITH—On Mar. 26, in the 72nd year of his age, at his residence, Wingfield-house, near Bradford-on-Avon, Joseph Grace Smith, Esq., Judge of the County Courts of Bath and North Wilts.
TRINDER—On Mar. 24, at his residence, Peterborough Lodge, Finchley New-road, Henry Trinder, Esq., in the 65th year of his age.
WRIGHT—On Mar. 26, at Margate, James Edward Wright, Esq., Solicitor.

English Funds.

English Funds.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	Shut.	Shut.	Shut.	Shut.	Shut.	Shut.
3 per Cent. Red. Ann.	Shut.	Shut.	Shut.	Shut.	Shut.	Shut.
2 per Cent. Cons. Ann.	95⅞ ⅜	95⅞	95⅞	95⅞ ⅜	95⅞ ⅜	96⅛ ⅜
New 3 per Cent. Ann.	Shut.	Shut.	Shut.	Shut.	Shut.	Shut.
New 2½ per Cent. Ann.	..	..	..	..	..	..
Long Ann. (exp. Jan. 5, 1860)	Shut.	Shut.	Shut.	Shut.	Shut.	Shut.
Do. 30 years (exp. Jan. 5, 1860)	Shut.	Shut.	Shut.	Shut.	Shut.	Shut.
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	Shut.	Shut.	..	Shut.	Shut.	..
India Stock	220	..	221 20	..	219 21	221
India Loan Debentures	97⅞ 8⅛	97⅞ 8⅛	98⅛ ⅛	98⅛	98⅛ ⅛	98⅛ ⅜
India Scrip, Second Issue	..	..	..	..	..	..
India Bonds (£1,000)	..	14s p	11s14sp	10s p	14s p	10s p
Do. (under £1000)	..	..	..	..	..	10s 14sp
Exch. Bills (£1000) Mar.	36s33sp	36s32sp	35s 32sp	35s 33sp	32s35sp	35s p
Ditto June	..	..	..	..	..	..
Exch. Bills (£500) Mar.	33s 36sp	..	..	32s p	..	..
Ditto June	..	..	..	..	..	..
Exch. Bills (Small) Mar.	33s 36sp	33s p	32s p	33s p	36s33sp	..
Ditto June	..	..	..	..	..	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Exch. Bonds, 1859, 3½ per Cent.	..	..	..	..	..	..

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	..	..	..	..
Bristol and Exeter	93½	..	93½	..	..	92⅜
Caledonian	84⅛	84⅛ ⅜	..	84⅛	82½ x d	84⅛
Chester and Holyhead	..	..	..	..	..	..
East Anglian	..	16½	16½ 16	..	16½ 16	16½ 16
Eastern Counties	60½	60½	60½	59⅝	60 ½	59½ 60
Eastern Union A. Stock	..	..	..	..	..	..
Ditto B. Stock	..	..	..	..	..	..
East Lancashire	..	..	92	92½	..	92½
Edinburgh and Glasgow	72⅜	..	72⅜	..	72⅜ ⅜	72⅜ ⅜
Edin. Perth, and Dundee	..	..	..	..	..	..
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	102⅜ 3	103½	103½	103	102½	103 2½
Ditto A. Stock	..	..	86½	..	86	86 7
Ditto B. Stock	..	..	132 3	..	..	133
Gt. South & West. (Ire.)	..	..	..	..	..	..
Great Western	58⅜ ½	58½ ⅜	58½ ⅜	58⅜ ½	58⅜ ⅜	58⅜ 9½
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	95	94⅝	94⅜ ⅜	94⅜ 5	94⅜	94⅜ ⅞
Lon. Brighton & S. Coast	112½ ⅜	112½ ⅜	113	113	113⅜ 12	113
London & North-Westn.	95½ 5⅛	95½ ⅜	95½ 4⅛	95½ 4⅛	94⅝ ⅜	95⅜ 4⅛
London & South-Westn.	92⅜ 3	92⅜ ⅜	92⅜ ½	92⅜ ½	..	92⅜
Man. Sheff. & Lincoln	38⅜ ⅛	38	..	..	38⅜	38⅜ 8
Midland	101½	101½	101½ 1	101½ ⅜	101⅜ ⅜	101⅜
Ditto Birm. & Derby	..	74⅜	75⅜	..	..	76⅜
Norfolk	..	..	60½	61	61	61
North British	60	60½	60⅜	60⅞ ⅛	58⅞ ⅛	60⅛ 59⅞
North-Eastern (Brwck.)	92½	92⅜ ⅛	93	92⅛	92⅛ ⅛	92⅛ ⅛
Ditto Leeds	47⅛	47⅛	47⅜	..	47	47
Ditto York	76⅜ ⅛	76⅜ ⅛	..	76⅛	..	76⅛ ⅜
North London	..	..	..	..	..	103½
Oxford, Worc. & Wolver.	..	..	..	32⅜	34	33⅜ 4
Scottish Central	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	..	..	..	..	..
Do. Scotsh. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	..	..	..	..	..	..
South Devon	..	40	39	40	40⅛	40⅛
South-Eastern	70⅜ ⅛	70⅛	70⅛ 1	70⅛	..	70⅛ ⅛
South Wales	..	..	65½	..	..	..
Vale of Neath	..	67	..	..	..	65⅛ ⅛

Insurance Companies.

	Paid.	Per Share.
Equity and Law	£5 19 10	..
English and Scottish Law Life	3 5 0	..
Law Fire	2 10 0	..
Law Life	10 0 0	..
Law Reversionary Interest	..	..
Legal and General Life	6 9 0	..
London and Provincial Law	3 12 6	..

Estate Exchange Report.

(For the week ending March 26th, 1859.)

AT THE MART.—By Messrs. NORTON, HOGGART, & TRIST.

Leasehold Residences, Nos. 8 to 11, Hunter-street, Brunswick-square; let at £208 per annum; term, 47 years from Christmas, 1836: ground-rent, £20.—Sold for £1560.

Improved Leasehold Ground-rents, £68 : 8 : 0 per annum, arising from Nos. 29 & 40, Marchmont-street, and Nos. 27, 28, & 29, Tavistock-place, St. Pancras; term, 47 years from Christmas, 1858.—Sold for £1200.

Leasehold Houses, No. 19, Clifton-street, Finsbury-market, and Nos. 2 & 3, North-street; let at £100 per annum.—Sold for £910.

Freehold enclosure of Meadow Land at Roxeth, Harrow, 3r. 11p.—Sold for £55.

Freehold and Copyhold, three enclosures of meadow land, Dabb's-hill, Dabb's-field, and Mead-field, Harrow, Middlesex, 77a. 1r. 8p.—Sold for £3050.

By Mr. Rickards.

Leasehold Residence, No. 10, Shaftesbury-cresent, Pimlico; let at £35 per annum; term, 82½ years from Michaelmas, 1841; ground-rent, £12.—Sold for £450.

Leasehold Residence, No. 11, Shaftesbury-crescent; let at £35 per annum; same term and ground-rent as No. 10.—Sold for £450.

By Mr. Mason.

Freehold Estate, Clanway Farm, Wolstanton, Staffordshire, about 85 acres arable, meadow, and pasture land, with farm-house and agricultural buildings; let on lease at £170 per annum.—Sold for £3350.

Leasehold Residence, No. 4, Regent-terrace, City-road; term, 27 years from Lady-day next; ground-rent, £10 : 10 : 0 per annum.—Sold for £430

By Mr. Debenham.

Freehold Farm, situate at Aston, Leighford, Staffordshire, comprising farm-house, outbuildings, &c., and 128a. 0r. 5p. of arable, pasture, and meadow land; let at £238 per annum.—Sold for £6660.

Freehold Farm, Doxey, Leighford, comprising dwelling-house, outbuildings, and 60a. 2r. 19p. of pasture and meadow land; let at £173 per annum.—Sold for £5320.

Freehold, several Enclosures of arable, pasture, and meadow land, at Doxey, comprising 15a. 1r. 15p.; let at £39 per annum.—Sold for £1000.

Freehold, 9a. 0r. 16p. of meadow land, known as "Miller's Cote," Doxey; let at £27 per annum.—Sold for £400.

Leasehold Business Premises, 21, Newgate-market, comprising butcher's shop and dwelling-house; held for 40 years from December, 1854, at the yearly rents of 13s. and £4 : 3 : 4 for redeemed land-tax; let on lease for a term which expires at Midsummer, 1863, at £80 per annum.—Sold for £1010.

By Messrs. Bromley & Son.

Freehold Building Land, in the rear of the New Globe Tavern, Mile-end-road, 2a. 3r. 9p.—Sold for £2300.

Leasehold Residence, No. 8, south side of New-st., Westminster; let at £28 per annum; term, 46 years from Midsummer next; ground-rent, £4 : 10 : 0 per annum.—Sold for £280.

Freehold Residences, Nos. 1 & 2, Robert's-row, Stoke Newington-road; let at £18 each per annum.—Sold for £250 each.

Leasehold Residence, No. 46, Spencer-st., Northampton-square; let at £36 per annum; term, 34 years from Michaelmas last; ground-rent, £7 per annum.—Sold for £240.

By Mr. Bullock.

Leasehold Houses, Nos. 3, 4, 5, & 6, River-terrace, Islington, producing £39 per annum; term, expires Michaelmas, 1873; ground-rent, £25 : 4 : 0 per annum.—Sold for £460.

By Messrs. H. Brown, & T. A. Roberts.

Leasehold Houses, Nos. 29 & 30, Berkely-villas, Loughborough-park, Brixton; term, 64 years from Christmas last; ground-rent, £12 per annum; let at £60 per annum.—Sold for £525.

Leasehold Houses, Nos. 31 & 32, Berkely-villas; same term and ground-rent; let at £60 per annum.—Sold for £510.

Leasehold Houses, Nos. 5 & 6, Hermes-street, Pentonville; held for 10 years from Christmas last, at a ground-rent of £6 per annum; let at £48 per annum.—Sold for £140.

By Messrs. Humphreys & Wallar.

Leasehold Manufacturing Premises, Bow-bridge, Bromley, Middlesex, comprising 2 acres and buildings thereon; held for 82 years from Midsummer, 1856, at a ground-rent of £60 per annum.—Sold for £2000.

Copyhold Estate, Lindsay-street, Epping, Surrey, comprising residence, outbuildings, and 8a. 1r. 19p. of meadow land.—Sold for £980.

By Mr. Marmaduke Matthews.

Freehold Residence, "London House," Mare-street, Hackney, with stabling, coach-house, and garden; let on lease at £60 per annum.—Sold for £1800.

Freehold Houses, Nos. 19, 20, & 21, Mare-street, and Large Plot of Ground in rear, let at £132 per annum.—Sold for £1600.

Freehold Houses, Nos. 22 & 23, Mare-street, let at £84 per annum.—Sold for £1200.

Freehold House, No. 24, Mare-street, let at £40 per annum.—Sold for £580.

Freehold Estate, Mare-street, comprising School Premises, with Playground in rear, let on lease at £54 per annum.—Sold for £1040.

Freehold, 2 Houses, London-lane, Hackney, let on lease at an annual rent of £20.—Sold for £410.

At Garraway's.—By Messrs. Davis & Vigors.

Leasehold Houses and Shops, Nos. 48 & 49, Tothill-street, Westminster; let at £77 per annum; held from the Dean and Chapter for 40 years from Lady-day, 1846; ground-rent, £1 : 10 : 0 per annum.—Sold for £640.

The British and Foreign Smelting Company's Works, Old Ford-wharf, Old Ford, Middlesex, nearly half an acre, with the buildings thereon; held by an agreement for a lease for 7 or 14 years from Christmas, 1857, at the rent of £100 per annum.—Sold for 77.

London Gazettes.

Commissioners to administer Oaths in Chancery.

Friday, *April* 1, 1859.

Chubb, Thomas Henry, Gent., Malmesbury, Wilts.

Jackson, Bryan Boyes, Gent., Kingston-upon-Hull.

Moor, Jacob Frederic Young, Gent., Midsomer Norton, Somersetshire.

Bankrupts.

Tuesday, *Mar.* 29, 1859.

Andrews, Thomas, Builder, Barton-under-Needwood, Staffordshire. *Com.* Sanders: April 8 & 28, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Bass & Jennings, Burton-upon-Trent; or E. & H. Wright, Birmingham. *Pet.* Mar. 26.

Burke, James Tressam, Hat Manufacturer, 10 Frederick's-pl., Old Kent-rd. *Com.* Evans: April 8, at 11.30; and May 6, at 12; Basinghall-st. *Off. Ass.* Bell. *Sol.* Levy, 29 Henrietta-st., Covent-garden. *Pet.* Mar. 28.

Cave, William, Builder, Betton's-ter., Ferry-rd., Millwall. *Com.* Fonblanque: April 13, at 1; and May 10, at 12; Basinghall-st. *Off. Ass.* Graham. *Sol.* King, 25 College-hill. *Pet.* Mar. 29.

Faulkner, Joseph, Baker, Liverpool. *Com.* Perry: April 8, and May 3, at 11; Liverpool. *Off. Ass.* Cazenove. *Sols.* Bardswell, Littledale, & Bardswell, Royal Bank-bldgs., Liverpool. *Pet.* Mar. 18.

Pearson, John, Grocer, Maryport, Cumberland. *Com.* Ellison: April 6, at 12; and May 5, at 11.30; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Huthwaite, Maryport; or Cram & Reed, Newcastle-upon-Tyne. *Pet.* Mar. 19.

Stenton, Joseph, Corn Dealer, Thorpe-common, Ecclesfield, Yorkshire. *Com.* West: April 9 and May 7, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Anderson, York; or Bond & Barwick, Leeds. *Pet.* Mar. 25.

Friday, *April* 1, 1859.

Aishen, William, Baker, Hanley Castle, near Upton-upon-Severn, Worcestershire. *Com.* Sanders: April 14 and May 7, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Finch, Worcester; or E. & H. Wright, Birmingham. *Pet.* Mar. 30.

Barnes, William, Miller, Uldale Mill, Cumberland. *Com.* Ellison: April 12, at 11.30; and May 17, at 12; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Steel, Waugh, & Hartley, Cockermouth; or Watson, Newcastle-upon-Tyne. *Pet.* Mar. 22.

Barnett, Benjamin Longridge, Shipowner, 95 Gracechurch-st., formerly in copartnership with William Henry Edward Wilson Rowes, 95 Gracechurch-st. *Com.* Goulburn: April 11, at 1; and May 16, at 12; Basinghall-st. *Off. Ass.* Pennell. *Sol.* West, 3 Charlotte-row. *Pet.* Mar. 30.

Camp, James, Boot & Shoe Maker, Chesterfield. *Com.* West: April 16, and May 7, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Gratton, Chesterfield; or Unwin, Sheffield. *Pet.* Mar. 19.

Druce, Thomas, Butcher, 29 Weymouth-st., Portland-pl. *Com.* Goulburn: April 11, and May 16, at 1; Basinghall-st. *Off. Ass.* Nicholson. *Sols.* W. J. Norton, Son, & Elam, New-st., Bishopsgate. *Pet.* Mar. 31.

Ford, Robert, Grocer, 29 Boundary-rd., St. John's-wood, and 7 High-st., Marylebone. *Com.* Goulburn: April 11, at 2; and May 16, at 11; Basinghall-st. *Off. Ass.* Nicholson. *Sol.* Edwards, 15 St. Swithin's-lane. *Pet.* Mar. 28.

Foster, Marmaduke, Bill Broker, Bradford. *Com.* Ayrton: April 19, and May 16, at 11; Leeds. *Off. Ass.* Hope. *Sols.* Bond & Barwick, Leeds. *Pet.* Mar. 30.

Frampton, John, Butcher, Poole. *Com.* Holroyd: April 12, at 1.30; and May 17, at 2; Basinghall-st. *Off. Ass.* Edwards. *Sols.* Mardon, 99 Newgate-st.; or Pert, Poole. *Pet.* Mar. 30.

Haslam, Jonathan Mort, Cotton Doubler, Portwood, Stockport. April 14 and May 5, at 11; Manchester. *Off. Ass.* Hernamann. *Sols.* Richardson & Hinnell, Manchester. *Pet.* Mar. 28.

Hawkins, Richard, Cattle Dealer, Carmarthen. *Com.* Hill: April 13 and May 10, at 11; Bristol. *Off. Ass.* Miller. *Sols.* G. & R. Thomas, Carmarthen; or Bevan & Girling, Bristol. *Pet.* Mar. 29.

Haywood, Thomas, Grocer, Homerton. *Com.* Evans: April 14, at 1; and May 12; at 12; Basinghall-st. *Off. Ass.* Johnson. *Sol.* Webb, 11 Cook's-ct., Lincoln's-inn. *Pet.* Mar. 28.

Morgan, John, Cattle Dealer, Cardiff. *Com.* Hill: April 13 and May 10, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Hippisley, Bristol; or Clifton, Nicholas-st., Bristol. *Pet.* Mar. 12.

Redgate, Herbert, & John Redgate, Lace Manufacturers, Nottingham. *Com.* Sanders: April 19 and May 3, at 11; Nottingham. *Off. Ass.* Harris. *Sol.* Maples, Nottingham. *Pet.* Mar. 28.

Rühl, George Frederick, Merchant, 23 Crutched-friars (G. Rühl & Co.) *Com.* Fonblanque: April 9, at 12.30; and May 14, at 12; Basinghall-st. *Off. Ass.* Graham. *Sols.* Crosley & Burn, 35 Lombard-st. *Pet.* Mar. 30.

Sheppard, John, Brick & Desining Tile Manufacturer, King's Lynn, Norfolk. *Com.* Pane: April 15 and May 13, at 1; Basinghall-st. *Off. Ass.* Whitmore. *Sol.* Kimber, 3 Lancaster-pl., Strand. *Pet.* Mar. 30.

Wood, Thomas, Cowkeeper, 3 Granville-pl., Bagnigge Wells-rd. *Com.* Fonblanque: April 13, at 1.30; and May 14, at 1; Basinghall-st. *Off. Ass.* Graham. *Sol.* Preston, 15 Broad-st.-bldgs. *Pet.* Mar. 8.

Bankruptcy Annulled.

Tuesday, *Mar.* 29, 1859.

Adams, Thomas, jun., Licensed Victualler, Harborne, Staffordshire. Mar. 28.

Meetings for Proof of Debts.

Tuesday, *Mar.* 29, 1859.

Beeson, James, Ironfounder, Derby. April 19, at 11; Nottingham.

Finlaison, Alexander Glen, Actuary of the National Debt-office, 2 & 3 High-row, Kensington Gravel-pits, and Powis-lodge, Haverstock-hill. April 15, at 11; Basinghall-st.

Mason, Edward, Commission Agent, 67 Piccadilly, Manchester. April 12, at 12; Manchester.

Moorhouse, James, jun., Cotton Spinner, Summerseat, near Bury. April 18, at 12; Manchester.

Sharp, Joseph, Cattle Dealer, Metheringham, Lincolnshire. April 19, at 11; Nottingham.

Stanley, Edward Robert, Jeweller, 6 Kirby-st., Hatton-garden. April 19, at 11; Basinghall-st.

Friday, *April* 1, 1859.

Ball, William, & John Henry Earl, Calenderers, Manchester. April 15, at 12; Manchester.

Barker, Isaac, Draper, Scarborough. May 9, at 11; Leeds.

Blackham, George, Grocer, Birmingham (Blackham Brothers). April 28, at 11; Birmingham.

Dawson, Thomas, Printer, Birmingham, trading in the name of Thomas Starkey Dawson. April 27, at 11; Birmingham.

HICKS, JAMES, Shoemaker, Great Driffield. May 4, at 12; Kingston-upon-Hull.

LIDDLE, DUNCAN ROBERT BARHAM, Wine Merchant, 67 Princes-st., Leicester-sq., and Rose-bank, Fulham. April 23, at 12; Basinghall-st.

OAK, WILLIAM COVENTRY, & CHARLES HASTINGS SNOW, Bankers, Blandford Forum, Dorset. April 12, at 2; Basinghall-st.

RAWSON, THOMAS, Tailor, Halifax. May 9, at 11; Leeds.

WHEELER, WILLIAM, Broadway, Worcester, and RICHARD WHEELER, Evesham, Corn Merchants. April 29, at 11; Birmingham.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Mar.* 29, 1859.

BARON, THOMAS, Printer, 39 Sloane-sq., Chelsea. April 21, at 11.30; Basinghall-st.

BARRETT, EDWARD, Liverystable Keeper, Taunton. May 3, at 11; Exeter.

HICKIN, GEORGE, Lace Manufacturer, Nottingham. April 19, at 11; Birmingham.

SMITH, WILLIAM, Builder, Weston-super-Mare. May 2, at 11; Bristol.

THOG, RICHARD, Carpenter, late of Kingston-upon-Thames and Esher, now of the Queen's Bench Prison. April 20, at 12; Basinghall-st.

WATTS, WILLIAM, Builder, Manchester. April 20, at 12; Manchester.

FRIDAY, *April* 1, 1859.

CARLING, JOHN, Timber Merchant, 3 Colchester-ter., Angel-lane, Stratford, Essex, late of 13 Regent-st., Mile End. May 3, at 1.30; Basinghall-st.

HASTINGS, THOMAS, & SAMUEL HERON, Drapers, Kingston-upon-Hull. May 4, at 12; Kingston-upon-Hull.

HOLDERNESS, JOHN WILLIAM, Timber Merchant, Kingston-upon-Hull. May 11, at 12; Kingston-upon-Hull.

JACKSON, WILLIAM, sen., Soap Manufacturer, Stepney & Church-lane, Kingston-upon-Hull. May 11, at 12; Kingston-upon-Hull.

MYTTON, WILLIAM, Auctioneer, Stourport. May 2, at 11; Birmingham.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Mar.* 29, 1859.

BOWERS, THOMAS RICHARD, Commission Merchant, Back South-parade, Manchester. Mar. 23, 3rd class, after a suspension of 6 months.

HART, JOSEPH, Licensed Victualler, Water-lane, Blackfriars. Mar. 23, 3rd class.

HINCHLEY, RICHARD, Ironfounder, Derby, HERON BLOUNT, WILLIAM SMITH, & GEORGE SMITH, Timber Merchants, Ilkeston (Blount, Smith & Co.) Mar. 23, 3rd class.

MITCHELMORE, GEORGE HUMPHRYSTONE, Builder, 9 Fitzroy-ter., Haverstock-hill. Mar. 19, 2nd class, to be suspended for 6 months.

PANTON, HENRY RAWDEN, Grocer, Trafalgar-rd., East Greenwich. Mar. 21, 3rd class, to be suspended for 6 months.

RAALTE, JOSEPH VAN, jun., Importer of French Goods, 4 Gloucester-ter., Hoxton. Mar. 25, 3rd class, the same having been suspended for 2 years.

SALMON, WILLIAM, Coal Merchant, Ratlesden, Suffolk. Mar. 23, 2nd class.

SHARP, JOSEPH, Cattle Dealer, Metherington, Lincolnshire. Mar. 23, 2nd class.

UNWIN, SAMUEL, Draper, Nottinghamshire. Mar. 23, 3rd class.

FRIDAY, *April* 1, 1859.

ASPINALL, WILLIAM STANCLIFFE, Grocer, Leeds. Mar. 28, 3rd class, subject to a suspension of twelve calendar months from the said 28th day of March.

BROWN, JOHN, Draper, Bradford. Mar. 29, 3rd class.

SHAW, WILLIAM, Bookseller, Lincolnshire. Mar. 24, 3rd class, subject to a suspension of 3 years from June 23, 1858.

Assignments for Benefit of Creditors.

TUESDAY, *Mar.* 29, 1859.

BARNES, ROBERT, Grocer, Cockermouth, Cumberland. Mar. 17. *Trustees*, J. Woodall, Wholesale Grocer, Liverpool; J. Moore, Wholesale Grocer, Whitehaven. *Sols.* Moordaff, Cockermouth; Evans, Liverpool.

BEATT, THOMAS, Grocer, Willenhall, Staffordshire. Mar. 19. *Trustees*, K. Pratt & S. Pratt, Grocers, Bilston, Staffordshire. *Sol.* Bolton, Wolverhampton.

CRITCHLEY, JOHN, Draper, Wolverhampton. Mar. 5. *Trustees*, W. Allen & S. Watts, Merchants, Manchester. *Sols.* Smith, Newbridge-house, Wolverhampton; Seddon, 29 Booth-st., Manchester.

CULL, SAMUEL, jun., Builder, Newton Abbot, Devonshire. Mar. 1. *Trustees*, A. Bearne, Timber Merchant; W. Mudge, Yeoman, both of same place. *Sol.* Flamank, Newton Abbot.

HARRISON, CHARLES FISHER, Builder, Spilsby-rd., Skirbeck, Lincolnshire. Mar. 4. *Trustees*, J. Smith, Plumber, Boston; B. Musgrave, Farmer, Keal. Creditors to execute on or before May. 31. *Sol.* Bean, Boston.

PERRY, JOSEPH PEARCE, Miller, Boston. Mar. 19. *Trustee*, W. Perry, Miller, Widdington-hall, Essex. Creditors to execute on or before June 19. *Sol.* Bean, Boston.

FRIDAY, *April* 1, 1859.

BEVAN, THOMAS, jun., Grocer, Brecon. Mar. 22. *Trustees*, W. J. Edgecombe, Grocer, Worcester; E. Bretherton, Provision Merchant, Gloucester; H. Bevan, Commercial Traveller, Gloucester. *Sol.* Bretherton, Gloucester.

BYNNER, THOMAS, Draper, Llanfyllin. Mar. 18. *Trustees*, W. Butterfield, and W. Allen, Merchants, Manchester. *Sol.* Sale, Manchester.

DODSWORTH, WILLIAM, Woollen Draper, Kingston-upon-Hull. Mar. 9. *Trustees*, W. Shaw, Merchant, Huddersfield; W. Rylands, Merchant, Manchester. *Sols.* Holden, jun., Kingston-upon-Hull; Brookes, Manchester.

DOMONE, WILLIAM HENRY, Butcher, Ringwood, Southampton. Mar. 5. *Trustees*, H. Bone, Yeoman, Avon, Southampton; G. Ayles, Yeoman, Hightown. *Sol.* Davy, Fordingbridge, Hants.

HEMMINGS, JOHN, Boot & Shoe Maker, St. Michael, Stamford, Lincolnshire. Mar. 23. *Trustees*, R. M. Gibbs, Manufacturer, Wellingborough; H. Rookaby, Shoe Manufacturer, Irthlingborough. *Sol.* Sharman, Wellingborough.

LONGBOTTOM, JOSEPH, Jeweller, Scarborough. Nov. 1. *Trustee*, R. Hide, jun., Gent., Scarborough. Creditors to execute on or before July 1. *Sols.* Donner & Woodall, Scarborough.

MAYOR, THOMAS, jun., Merchant, Freckleton, Lancashire. Mar. 2. *Trustees*, W. Humber, Cotton Spinner, Preston; J. Furness, Coal Agent, Preston. *Sol.* Parker, Preston.

PELHAM, GEORGE BROWN, Builder, Morning-lane, Hackney. Mar. 19. *Trustee*, R. Loader, Upholsterer, 23 & 24 Pavement, Finsbury. *Sol.* Newman, 68 Cheapside.

SILCOX, STEPHEN CHAPMAN, Builder, Trowbridge. Feb. 26. *Trustees*, S. Saxty & I. Carpenter, Innkeepers, Trowbridge. *Sol.* Collins, Trowbridge.

SNOWDEN, JOSEPH, Grocer, Westwood-side, Lincolnshire. Mar. 29. *Trustee*, W. Reed, Grocer, Albion-house, Epworth, Lincolnshire. *Sol.* Dawson, Epworth.

VARCOE, THOMAS, Carpenter, St. Austell, Cornwall. Mar. 26. *Trustees*, E. Norway, Merchant, Wadebridge, Cornwall; P. Knight, Widow, Lanlivian. *Sol.* Symons, Wadebridge.

Creditors under Estates in Chancery.

TUESDAY, *Mar.* 29, 1859.

Last Day of Proof.

LING, FINIA, Spinster, Great Yarmouth (who died Feb. 1, 1858). Re Ling's Estate, King *v.* Cory and another, V. C. Stuart. April 30.

MELLOR, WILLIAM, 4 Clarendon-cottages, Fairfield-rd., Bow (who died on or about Mar. 22, 1857). Sambrooke *v.* Mellor, V. C. Stuart. May 9.

PERFECT, EDWIN, Farmer, St. Boswell's, Roxburghshire (who died on or about April 6, 1858). Perfect *v.* Wilson and Wife, V. C. Wood. April 30.

SMITH, Rev. SAMUEL COLLY, Denver, Norfolk (who died on or about April 18, 1852). Smith and another *v.* Bell and others, V. C. Stuart. April 30.

WALKER, NICHOLAS, Corn Miller, Baildon-mill, Otley, Yorkshire (who died on or about Aug. 2, 1856). Walker and Wife *v.* Walker and others, V. C. Wood. April 14.

WHITTAKER, JOHN, Cotton Spinner, Hurst, Ashton-under-Lyne, and of Smedley (who died in or about the month of Sept., 1840). D'Arcy and others *v.* Whittaker and others, V. C. Wood. April 27.

WHITTAKER, ROBERT, Cotton Spinner, Hurst, Ashton-under-Lyne (who died in or about the month of Nov., 1852). D'Arcy and others *v.* Whittaker and others, V. C. Wood. April 27.

WILLARD, LEONARD KILHAM, Esq. Eastbourne (who died on or about Mar. 12, 1856). Cole *v.* Willard, M. R. April 30.

FRIDAY, *April* 1, 1859.

BADGER, THOMAS, Esq., Grange, Oldswinford, Worcestershire (who died in or about the month of April, 1854). Badger *v.* Littlewood, M. R. May 5.

BUTTERS, ELLEN, Widow, West Dereham, Norfolk (who died in or about the month of Jan., 1859). Cotton *v.* Butters, M. R. May 4.

HUBBALL, THOMAS MOTTERSHAW, Grocer, Staffordshire (who died in or about the month of Jan., 1830). Smith *v.* Spilsbury, V. C. Kindersley. May 3.

HYDER, WILLIAM, Esq., Court Lees, Hernhill, Kent (who died on or about Jan. 8, 1858). Furley and another *v.* Hyder and others, V. C. Wood. May 5.

KIRKHAM, RICHARD, Gardener, Boughton, Chester (who died on or about Jan. 14, 1858). Swift and others *v.* Parry and others, V. C. Stuart. May 14.

LONG, RICHARD, Gent., Penzance (who died in or about the month of Mar., 1853). Woodyard and another *v.* Jeffreys and another, M. R. April 29.

NEWSOME, HENRY, Ribbon Manufacturer, Coventry (who died on or about Aug. 30, 1856). Tooth & others *v.* Newsome & others, V. C. Wood. April 28.

OGLE, Sir CHARLES, Bart., 64 Eaton-sq. (who died on June 16, 1858). Ogle *v.* Wade & others, V. C. Stuart. May 7.

TROTTER, THOMAS, Esq., Worthing (who died in or about Sept., 1851). Vining & others *v.* Knight, V. C. Stuart. May 7.

WOODYARD, BENJAMIN, Dissenting Minister, Gloucester-ter., New-rd., Stepney (who died in or about May, 1857). Woodyard & another *v.* Jeffreys, M. R. April 29.

WOODHEAD, RICHARD, Farmer, Old High-cross, Halifax (who died in or about Dec., 1857). Edwards *v.* Crowther, M. R. May 5.

WYATT, JAMES, Foreman Shipwright, Chatham (who died on or about April 23, 1853). Re Wyatt's Estate, Wyatt *v.* Wyatt, V. C. Stuart. April 30.

Windings-up of Joint Stock Companies.

TUESDAY, *Mar.* 29, 1859.

UNLIMITED, IN CHANCERY.

BIRKBECK LIFE ASSURANCE COMPANY.—Creditors to prove their debts before V. C. Kindersley, at his Chambers, on April 26, at 3 & 3.

MEXICAN AND SOUTH AMERICAN COMPANY.—The Master of the Rolls ordered, on Mar. 16, that a Call of £4 per share be made on all the Contributories, payable to Robert Palmer Harding, Official Manager, 5 Serle-street, Lincoln's-inn, on or before April 7.

SECURITY MUTUAL LIFE ASSURANCE SOCIETY.—V. C. Kindersley ordered, on Mar. 14, that a Call of £30 for every £1 be made on all the Contributories, payable to W. C. Wrygnte, Official Manager, 4 Sambrook-ct., Basinghall-st., on or before April 14.

TREVENA MINING COMPANY.—The Master of the Rolls ordered, on Mar. 15, that a Call of £2 per Share be made on all the Contributories, payable to Robert Palmer Harding, 5 Serle-st., Lincoln's-inn, on or before April 6.

ANGLO-CALIFORNIAN GOLD MINING COMPANY.—April 16; for winding up.

LIMITED, IN BANKRUPTCY.

EUROPEAN AND AMERICAN STEAM SHIPPING COMPANY.—April 8, at 12.30; for winding up.

FRIDAY, *April* 1, 1859.

UNLIMITED IN CHANCERY.

CAE CYNON MINING COMPANY.—Feb. 22, for winding up.

HOME COUNTIES AND METROPOLITAN FREEHOLD LAND SOCIETY.—V. C. Wood, April 14, at 2, at his Chambers, to settle the list of Contributories.

NEW ENGINE COAL MINING COMPANY.—V. C. Wood, April 13, at 12, at his Chambers, to appoint persons to represent the Creditors.

PARAGON AND SPEND COAL MINING COMPANY.—V. C. Wood, April 13, at 12, at his Chambers, to appoint persons to represent the Creditors.

Improved Leasehold Ground-rents, £68 : 8 : 0 per annum, arising from Nos. 39 & 40, Marchmont-street, and Nos. 27, 28, & 29, Tavistock-place, St. Pancras; term, 47 years from Christmas, 1858.—Sold for £1200.

Leasehold Houses, No. 19, Clifton-street, Finsbury-market, and Nos. 2 & 3, North-street; let at £100 per annum.—Sold for £910.

Freehold enclosure of Meadow Land at Roxeth, Harrow, 3r. 11p.—Sold for £55.

Freehold and Copyhold, three enclosures of meadow land, Dabb's-hill, Dabb's-field, and Mead-field, Harrow, Middlesex, 77a. 1r. 8p.—Sold for £3050.

By Mr. RICKARDS.

Leasehold Residence, No. 10, Shaftesbury-cresent, Pimlico; let at £45 per annum; term, 82½ years from Michaelmas, 1841; ground-rent, £12.—Sold for £450.

Leasehold Residence, No. 11, Shaftesbury-crescent; let at £55 per annum; same term and ground-rent as No. 10.—Sold for £450.

By Mr. MASON.

Freehold Estate, Clanway Farm, Wolstanton, Staffordshire, about 85 acres arable, meadow, and pasture land, with farm-house and agricultural buildings; let on lease at £170 per annum.—Sold for £3550.

Leasehold Residence, No. 4, Regent-terrace, City-road; term, 27 years from Lady-day next; ground-rent, £10 : 10 : 0 per annum.—Sold for £430

By Mr. DERENHAM.

Freehold Farm, situate at Aston, Leighford, Staffordshire, comprising farm-house, outbuildings, &c., and 128a. 0r. 5p. of arable, pasture, and meadow land; let at £238 per annum.—Sold for £6660.

Freehold Farm, Doxey, Leighford, comprising dwelling-house, outbuildings, and 60a. 2r. 19p. of pasture and meadow land; let at £173 per annum.—Sold for £5320.

Freehold, several Enclosures of arable, pasture, and meadow land, at Doxey, comprising 15a. 1r. 15p.; let at £39 per annum.—Sold for £1000.

Freehold, 9a. 0r. 16p. of meadow land, known as "Miller's Cote," Doxey; let at £27 per annum.—Sold for £400.

Leasehold Business Premises, 21, Newgate-market, comprising butcher's shop and dwelling-house; held for 40 years from December, 1854, at the yearly rents of 13s. and £4 : 3 : 4 for redeemed land-tax; let on lease for a term which expires at Midsummer, 1863, at £80 per annum.—Sold for £1010.

By Messrs. BROMLEY & SON.

Freehold Building Land, in the rear of the New Globe Tavern, Mile-end-road, 2a. 3r. 9p.—Sold for £2300.

Leasehold Residence, No. 8, south side of New-st., Westminster; let at £28 per annum; term, 46 years from Midsummer next; ground-rent, £4 : 10 : 0 per annum.—Sold for £280.

Freehold Residences, Nos. 1 & 2, Robert's-row, Stoke Newington-road; let at £18 each per annum.—Sold for £250 each.

Leasehold Residence, No. 46, Spencer-st., Northampton-square; let at £36 per annum; term, 24 years from Michaelmas last; ground-rent, £7 per annum.—Sold for £240.

By Mr. BULLOCK.

Leasehold Houses, Nos. 3, 4, 5, & 6, River-terrace, Islington, producing £99 per annum; term, expires Michaelmas, 1873; ground-rent, £25 : 4 : 0 per annum.—Sold for £460.

By Messrs. H. BROWN, & T. A. ROBERTS.

Leasehold Houses, Nos. 29 & 30, Berkely-villas, Loughborough-park, Brixton; term, 64 years from Christmas last; ground-rent, £12 per annum; let at £60 per annum.—Sold for £525.

Leasehold Houses, Nos. 31 & 32, Berkely-villas; same term and ground-rent; let at £60 per annum.—Sold for £510.

Leasehold Houses, Nos. 5 & 6, Hermes-street, Pentonville; held for 10 years from Christmas last, at a ground-rent of £6 per annum; let at £48 per annum.—Sold for £140.

By Messrs. HUMPHREYS & WALLAR.

Leasehold Manufacturing Premises, Bow-bridge, Bromley, Middlesex, comprising 2 acres and buildings thereon; held for 82 years from Midsummer, 1856, at a ground-rent of £60 per annum.—Sold for £2960.

Copyhold Estate, Lindsay-street, Epping, Surrey, comprising residence, outbuildings, and 8a. 1r. 19p. of meadow land.—Sold for £980.

By Mr. MARMADUKE MATTHEWS.

Freehold Residence, "London House," Mare-street, Hackney, with stabling, coach-house, and garden; let on lease at £60 per annum.—Sold for £1800.

Freehold Houses, Nos. 19, 20, & 21, Mare-street, and Large Plot of Ground in rear, let at £132 per annum.—Sold for £1600.

Freehold Houses, Nos. 22 & 23, Mare-street, let at £84 per annum.—Sold for £1200.

Freehold House, No. 24, Mare-street, let at £40 per annum.—Sold for £530.

Freehold Estate, Mare-street, comprising School Premises, with Playground in rear, let on lease at £54 per annum.—Sold for £1040.

Freehold, 2 Houses, London-lane, Hackney, let on lease at an annual rent of £20.—Sold for £410.

AT GARRAWAY'S.—By Messrs. DAVIS & VIGORS.

Leasehold Houses and Shops, Nos. 48 & 49, Tothill-street, Westminster; let at £77 per annum; held from the Dean and Chapter for 40 years from Lady-day, 1846; ground-rent, £1 : 10 : 0 per annum.—Sold for £640.

The British and Foreign Smelting Company's Works, Old Ford-wharf, Old Ford, Middlesex, nearly half an acre, with the buildings thereon; held by an agreement for a lease for 7 or 14 years from Christmas, 1857, at the rent of £100 per annum.—Sold for 77.

London Gazettes.

Commissioners to administer Oaths in Chancery.

FRIDAY, *April* 1, 1859.

CHUBB, THOMAS HENRY, Gent., Malmesbury, Wilts.

JACKSON, BRYAN BOYES, Gent., Kingston-upon-Hull.

MOGG, JAMES FREDERIC YOUNG, Gent., Midsomer Norton, Somersetshire.

Bankrupts.

TUESDAY, *Mar.* 29, 1859.

ANDREWS, THOMAS, Builder, Barton-under-Needwood, Staffordshire. *Com.* Sanders: April 2 & 28, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Bass & Jennings, Burton-upon-Trent; or E. & H. Wright, Birmingham. *Pet.* Mar. 26.

BURKE, JAMES TRESHAM, Hat Manufacturer, 10 Frederick's-pl., Old Kent-rd. *Com.* EVANS: April 8, at 11.30; and May 6, at 12; Basinghall-st. *Off. Ass.* Bell. *Sol.* Levy, 29 Henrietta-st., Covent-garden. *Pet.* Mar. 29.

CAVE, WILLIAM, Builder, Betton's-ter., Ferry-rd., Millwall. *Com.* Fonblanque: April 13, at 1; and May 10, at 12; Basinghall-st. *Off. Ass.* Graham. *Sol.* King, 25 College-hill. *Pet.* Mar. 29.

FAULKNER, JOSEPH, Baker, Liverpool. *Com.* Perry: April 8, and May 3, at 11; Liverpool. *Off. Ass.* Cazenove. *Sols.* Bardswell, Littledale, & Bardswell, Royal Bank-bldgs., Liverpool. *Pet.* Mar. 18.

PEARSON, JOHN, Grocer, Maryport, Cumberland. *Com.* Ellison: April 6, at 12; and May 5, at 11.30; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Huthwaite, Maryport; or Cram & Reed, Newcastle-upon-Tyne. *Pet.* Mar. 19.

STENTON, JOSEPH, Corn Dealer, Thorpe-common, Ecclesfield, Yorkshire. *Com.* West: April 9 and May 7, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Anderson, York; or Bond & Barwick, Leeds. *Pet.* Mar. 25.

FRIDAY, *April* 1, 1859.

AISHEN, WILLIAM, Baker, Hanley Castle, near Upton-upon-Severn, Worcestershire. *Com.* Sanders: April 14 and May 7, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Finch, Worcester; or E. & H. Wright, Birmingham. *Pet.* Mar. 30.

BARNES, WILLIAM, Miller, Uldale Mill, Cumberland. *Com.* Ellison: April 12, at 11.30; and May 17, at 12; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Steel, Waugh, & Hartley, Cockermouth; or Watson, Newcastle-upon-Tyne. *Pet.* Mar. 22.

BARNETT, BENJAMIN LONGRIDGE, Shipowner, 95 Gracechurch-st., formerly in copartnership with WILLIAM HENRY EDWARD WILSON ROWE, 95 Gracechurch-st. *Com.* Goulburn: April 11, at 1; and May 16, at 12; Basinghall-st. *Off. Ass.* Pennell. *Sol.* West, 3 Charlotte-row. *Pet.* Mar. 30.

CAMP, JAMES, Boot & Shoe Maker, Chesterfield. *Com.* West: April 16, and May 7, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Gratton, Chesterfield; or Unwin, Sheffield. *Pet.* Mar. 19.

DRUCE, THOMAS, Butcher, 29 Weymouth-st., Portland-pl. *Com.* Goulburn: April 11, and May 16, at 1; Basinghall-st. *Off. Ass.* Nicholson. *Sols.* W. J. Norton, Son, & Elam, New-st., Bishopsgate. *Pet.* Mar. 31.

FORD, ROBERT, Grocer, 29 Boundary-rd., St. John's-wood, and 7 High-st., Marylebone. *Com.* Goulburn: April 11, at 2; and May 16, at 11; Basinghall-st. *Off. Ass.* Nicholson. *Sol.* Edwards, 15 St. Swithin's-lane. *Pet.* Mar. 28.

FOSTER, MARMADUKE, Bill Broker, Bradford. *Com.* Ayrton: April 19, and May 16, at 11; Leeds. *Off. Ass.* Hope. *Sols.* Bond & Barwick, Leeds. *Pet.* Mar. 30.

FRAMPTON, JOHN, Butcher, Poole. *Com.* Holroyd: April 12, at 1.30; and May 17, at 2; Basinghall-st. *Off. Ass.* Edwards. *Sols.* Mardon, 99 Newgate-st.; or Parr, Poole. *Pet.* Mar. 30.

HASLAM, JONATHAN MORT, Cotton Doubler, Portwood, Stockport. April 14 and May 5, at 11; Manchester. *Off. Ass.* Hernamann. *Sols.* Richardson & Hinnell, Manchester. *Pet.* Mar. 28.

HAWKINS, RICHARD, Cattle Dealer, Carmarthen. *Com.* Hill: April 12 and May 10, at 11; Bristol. *Off. Ass.* Miller. *Sols.* G. & R. Thomas, Carmarthen; or Bevan & Girling, Bristol. *Pet.* Mar. 29.

HAYWOOD, THOMAS, Grocer, Homerton. *Com.* Evans: April 14, at 1; and May 12, at 12; Basinghall-st. *Off. Ass.* Johnson. *Sol.* Webb, 11 Cook's-ct., Lincoln's-inn. *Pet.* Mar. 28.

MORGAN, John, Cattle Dealer, Cardiff. *Com.* Hill: April 12 and May 10, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Hippisley, Bristol; or Clifton, Nicholas-st., Bristol. *Pet.* Mar. 12.

REDGATE, HERBERT, & JOHN REDGATE, Lace Manufacturers, Nottingham. *Com.* Sanders: April 19 and May 3, at 11; Nottingham. *Off. Ass.* Harris. *Sol.* Maples, Nottingham. *Pet.* Mar. 28.

RUHL, GEORGE FREDERICK, Merchant, 23 Crutched-friars (G. Rühl & Co.) *Com.* Fonblanque: April 9, at 12.30; and May 14, at 12; Basinghall-st. *Off. Ass.* Graham. *Sols.* Crosley & Burn, 55 Lombard-st. *Pet.* Mar. 30.

SHEPPARD, JOHN, Brick & Draining Tile Manufacturer, King's Lynn, Norfolk. *Com.* Fane: April 15 and May 13, at 1; Basinghall-st. *Off. Ass.* Whitmore, *Sol.* Kimber, 3 Lancaster-pl., Strand. *Pet.* Mar. 30.

WOOD, THOMAS, Cookeeper, 4 Granville-pl., Bagnigge Wells-rd. *Com.* Fonblanque: April 13, at 1.30; and May 14, at 1; Basinghall-st. *Off. Ass.* Graham. *Sol.* Preston, 15 Broad-st.-bldgs. *Pet.* Mar. 8.

BANKRUPTCY ANNULLED.

TUESDAY, *Mar.* 29, 1859.

ADAMS, THOMAS, jun., Licensed Victualler, Harborne, Staffordshire. Mar. 28.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *Mar.* 29, 1859.

BELSON, JAMES, Ironfounder, Derby. April 19, at 11; Nottingham.

FINLAISON, ALEXANDER GLEN, Actuary of the National Debt-office, 2 & 3 High-row, Kensington Gravel-pits, and Powis-lodge, Haverstock-hill. April 15, at 11; Basinghall-st.

MASON, EDWARD, Commission Agent, 67 Piccadilly, Manchester. April 12, at 12; Manchester.

MOORHOUSE, JAMES, jun., Cotton Spinner, Summerseat, near Bury. April 18, at 12; Manchester.

SHARP, JOSEPH, Cattle Dealer, Metheringham, Lincolnshire. April 19, at 11; Nottingham.

STANLEY, EDWARD ROBERT, Jeweller, 6 Kirby-st., Hatton-garden. April 19, at 11; Basinghall-st.

FRIDAY, *April* 1, 1859.

BALL, WILLIAM, & JOHN HENRY EARL, Calenderers, Manchester. April 15, at 12; Manchester.

BARKER, ISAAC, Draper, Scarborough. May 9, at 11; Leeds.

BLACKHAM, GEORGE, Grocer, Birmingham (Blackham Brothers). April 26, at 11; Birmingham.

DAWSON, THOMAS, Printer, Birmingham, trading in the name of THOMAS STARKEY DAWSON. April 27, at 11; Birmingham.

Hicks, James, Shoemaker, Great Driffield. May 4, at 12; Kingston-upon-Hull.

Liddle, Duncan Robert Barham, Wine Merchant, 67 Princes-st., Leicester-sq., and Rose-bank, Fulham. April 23, at 12; Basinghall-st.

Oak, William Coventry, & Charles Hastings Snow, Bankers, Blandford Forum, Dorset. April 12, at 2; Basinghall-st.

Rawson, Thomas, Tailor, Halifax. May 9, at 11; Leeds.

Wheeler, William, Broadway, Worcester, and Richard Wheeler, Evesham, Corn Merchants. April 29, at 11; Birmingham.

CERTIFICATES.

To be allowed, *unless Notice be given, and Cause shown on Day of Meeting.*

Tuesday, *Mar.* 29, 1859.

Eaton, Thomas, Printer, 39 Sloane-sq., Chelsea. April 21, at 11.30; Basinghall-st.

Barrett, Edward, Liverystable Keeper, Taunton. May 3, at 11; Exeter.

Hickin, George, Lace Manufacturer, Nottingham. April 19, at 11; Birmingham.

Smith, William, Builder, Weston-super-Mare. May 2, at 11; Bristol.

Thigh, Richard, Carpenter, late of Kingston-upon-Thames and Esher, now of the Queen's Bench Prison. April 20, at 12; Basinghall-st.

Watts, William, Builder, Manchester. April 20, at 12; Manchester.

Friday, *April* 1, 1859.

Collins, John, Timber Merchant, 3 Colchester-ter., Angel-lane, Stratford, Essex, late of 13 Regent-st., Mile End. May 3, at 1.30; Basinghall-st.

Hastings, Thomas, & Samuel Heron, Drapers, Kingston-upon-Hull. May 4, at 12; Kingston-upon-Hull.

Holderness, John William, Timber Merchant, Kingston-upon-Hull. May 11, at 12; Kingston-upon-Hull.

Jackson, William, sen., Soap Manufacturer, Stepney & Church-lane, Kingston-upon-Hull. May 11, at 12; Kingston-upon-Hull.

Mytton, William, Auctioneer, Stourport. May 2, at 11; Birmingham.

To be delivered, *unless* Appeal *be duly entered.*

Tuesday, *Mar.* 29, 1859.

Bowers, Thomas Richard, Commission Merchant, Back South-parade, Manchester. Mar. 23, 3rd class, after a suspension of 6 months.

Hart, Joseph, Licensed Victualler, Water-lane, Blackfriars. Mar. 23, 3rd class.

Henchley, Richard, Ironfounder, Derby, Heron Blount, William Smith, & George Smith, Timber Merchants, Ilkeston (Blount, Smith & Co.) Mar. 23, 3rd class.

Mitchelmore, George Humberstone, Builder, 9 Fitzroy-ter., Haverstock-hill. Mar. 19, 2nd class, to be suspended for 6 months.

Penton, Henry Ranger, Grocer, Trafalgar-rd., East Greenwich. Mar. 21, 3rd class, to be suspended for 6 months.

Raalte, Joseph Van, jun., Importer of French Goods, 4 Gloucester-ter., Hoxton. Mar. 25, 3rd class, the same having been suspended for 2 years.

Salmon, William, Coal Merchant, Battlesden, Suffolk. Mar. 22, 2nd class.

Sharp, Joseph, Cattle Dealer, Metherington, Lincolnshire. Mar. 23, 2nd class.

Unwin, Samuel, Draper, Nottinghamshire. Mar. 23, 3rd class.

Friday, *April* 1, 1859.

Aspinall, William Stanclyffe, Grocer, Leeds. Mar. 28, 3rd class, subject to a suspension of twelve calendar months from the said 28th day of March.

Brown, John, Draper, Bradford. Mar. 29, 3rd class.

Shaw, William, Bookseller, Lincolnshire. Mar. 24, 3rd class, subject to a suspension of 3 years from June 23, 1858.

Assignments for Benefit of Creditors.

Tuesday, *Mar.* 29, 1859.

Barker, Robert, Grocer, Cockermouth, Cumberland. Mar. 17. *Trustees*, J. Woodall, Wholesale Grocer, Liverpool; J. Moore, Wholesale Grocer, Whitehaven. *Sols.* Moorhall, Cockermouth; Evans, Liverpool.

Bratt, Thomas, Grocer, Willenhall, Staffordshire. Mar. 19. *Trustees*, K. Pratt & S. Pratt, Grocers, Bilston, Staffordshire. *Sol.* Bolton, Wolverhampton.

Critchley, John, Draper, Wolverhampton. Mar. 5. *Trustees*, W. Allen & S. Watts, Merchants, Manchester. *Sols.* Smith, Newbridge-house, Wolverhampton; Seddon, 29 Booth-st., Manchester.

Cull, Samuel, jun., Builder, Newton Abbot, Devonshire. Mar. 1. *Trustees*, A. Bearne, Timber Merchant; W. Mudge, Yeoman, both of same place. *Sol.* Flamant, Newton Abbot.

Harrison, Charles Fisher, Builder, Spilsby-rd., Skirbeck, Lincolnshire. Mar. 4. *Trustees*, J. Smith, Plumber, Boston; B. Musgrave, Farmer, Keal. Creditors to execute on or before May 31. *Sol.* Bean, Boston.

Perry, Joseph Pearce, Miller, Boston. Mar. 19. *Trustee*, W. Perry, Miller, Widdington-hall, Essex. Creditors to execute on or before June 19. *Sol.* Bean, Boston.

Friday, *April* 1, 1859.

Bevan, Thomas, jun., Grocer, Brecon. Mar. 22. *Trustees*, W. J. Edgecombe, Grocer, Worcester; E. Brotherton, Provision Merchant, Gloucester; H. Bevan, Commercial Traveller, Gloucester. *Sol.* Bretherton, Gloucester.

Bennet, Thomas, Draper, Llanfyllin. Mar. 18. *Trustees*, W. Butterfield, and W. Allen, Merchants, Manchester. *Sol.* Sale, Manchester.

Dodsworth, William, Woollen Draper, Kingston-upon-Hull. Mar. 9. *Trustees*, W. Shaw, Merchant, Huddersfield; W. Rylands, Merchant, Manchester. *Sols.* Holden, jun., Kingston-upon-Hull; Brookes, Manchester.

Domone, William Henry, Butcher, Ringwood, Southampton. Mar. 5. *Trustees*, H. Bone, Yeoman, Avon, Southampton; G. Ayles, Yeoman, Hightown. *Sol.* Davy, Fordingbridge, Hants.

Hemmings, John, Boot & Shoe Maker, St. Michael, Stamford, Lincolnshire. Mar. 23. *Trustees*, R. M. Gibbs, Manufacturer, Wellingborough; H. Rooksby, Shoe Manufacturer, Irthlingborough. *Sol.* Sharman, Wellingborough.

Longbottom, Joseph, Jeweller, Scarborough. Nov. 1. *Trustee*, R. Hutie, jun., Gent., Scarborough. Creditors to execute on or before July 1. *Sols.* Donner & Woodall, Scarborough.

Mayor, Thomas, jun., Merchant, Freckleton, Lancashire. Mar. 2. *Trustees*, W. Humber, Cotton Spinner, Preston; J. Furness, Coal Agent, Preston. *Sol.* Parker, Preston.

Pelham, George Brown, Builder, Morning-lane, Hackney. Mar. 19. *Trustee*, R. Loader, Upholsterer, 23 & 24 Pavement, Finsbury. *Sol.* Newman, 68 Cheapside.

Silcox, Stephen Chapman, Builder, Trowbridge. Feb. 26. *Trustees*, S. Saxty & I. Carpenter, Innkeepers, Trowbridge. *Sol.* Collins, Trowbridge.

Snowden, Joseph, Grocer, Westwood-side, Lincolnshire. Mar. 29. *Trustee*, W. Reed, Grocer, Albion-house, Epworth, Lincolnshire. *Sol.* Dawson, Epworth.

Varcoe, Thomas, Carpenter, St. Austell, Cornwall. Mar. 26. *Trustees*, E. Norway, Merchant, Wadebridge, Cornwall; P. Knight, Widow, Lanlivan. *Sol.* Symons, Wadebridge.

Creditors under Estates in Chancery.

Tuesday, *Mar.* 29, 1859.

Last Day of Proof.

Ling, Fidia, Spinster, Great Yarmouth (who died Feb. 1, 1858). Re Ling's Estate, King *v.* Cory and another, V. C. Stuart. April 30.

Mellor, William, 4 Clarendon-cottages, Fairfield-rd., Bow (who died on or about Mar. 22, 1857). Sambrooke *v.* Mellor, V. C. Stuart. May 9.

Perfect, Edwin, Farmer, St. Boswell's, Roxburghshire (who died on or about April 6, 1858). Perfect *v.* Wilson and Wife, V. C. Wood. April 30.

Smith, Rev. Samuel Colly, Denver, Norfolk (who died on or about April 18, 1852). Smith and another *v.* Bell and others, V. C. Stuart. April 30.

Walker, Nicholas, Corn Miller, Baildon-mill, Otley, Yorkshire (who died on or about Aug. 2, 1856). Walker and Wife *v.* Walker and others, V. C. Wood. April 14.

Whittaker, John, Cotton Spinner, Hurst, Ashton-under-Lyne, and of Smedley (who died in or about the month of Sept., 1840). D'Arcy and others *v.* Whittaker and others, V. C. Wood. April 27.

Whittaker, Robert, Cotton Spinner, Hurst, Ashton-under-Lyne (who died in or about the month of Nov., 1852). D'Arcy and others *v.* Whittaker and others, V. C. Wood. April 27.

Willard, Leonard Kilham, Esq. Eastbourne (who died on or about Mar. 12, 1856). Cole *v.* Willard, M. R. April 30.

Friday, *April* 1, 1859.

Badger, Thomas, Esq., Grange, Oldswinford, Worcestershire (who died in or about the month of April, 1854). Badger *v.* Littlewood, M. R. May 6.

Butters, Ellen, Widow, West Dereham, Norfolk (who died in or about the month of Jan., 1859). Cotton *v.* Butters, M. R. May 4.

Hurdall, Thomas Mottershaw, Grocer, Staffordshire (who died in or about the month of Jan., 1830). Smith *v.* Spilsbury, V. C. Kindersley. May 3.

Hyder, William, Esq., Court Lees, Hernhill, Kent (who died on or about Jan. 8, 1858). Furley and another *v.* Hyder and others, V. C. Wood. May 5.

Kirkham, Richard, Gardener, Boughton, Chester (who died on or about Jan. 14, 1858). Swift and others *v.* Parry and others, V. C. Stuart. May 14.

Long, Richard, Gent., Penzance (who died in or about the month of Mar., 1853). Woodyard and another *v.* Jeffreys and another, M. R. April 28.

Newsome, Henry, Ribbon Manufacturer, Coventry (who died on or about Aug. 30, 1856). Tooth & others *v.* Newsome & others, V. C. Wood. April 28.

Ogle, Sir Charles, Bart., 64 Eaton-sq. (who died on June 18, 1858). Ogle *v.* Wade & others, V. C. Stuart. May 7.

Trotter, Thomas, Esq., Worthing (who died in or about Sept., 1851). Vining & others *v.* Knight, V. C. Stuart. May 7.

Woodyard, Benjamin, Dissenting Minister, (Gloucester-ter., New-rd., Stepney (who died in or about May, 1857). Woodyard & another *v.* Jeffreys, M. R. April 28.

Woodhead, Richard, Farmer, Old High-cross, Halifax (who died in or about Dec., 1857). Edwards *v.* Crowther, M. R. May 5.

Wyatt, James, Foreman Shipwright, Chatham (who died on or about April 23, 1853). Re Wyatt's Estate, Wyatt *v.* Wyatt, V. C. Stuart. April 30.

Winding-up of Joint Stock Companies.

Tuesday, *Mar.* 29, 1859.

Unlimited, in Chancery.

Birkbeck Life Assurance Company.—Creditors to prove their debts before V. C. Kindersley, at his Chambers, on April 26, at 2 & 3.

Mexican and South American Company.—The Master of the Rolls ordered, on Mar. 16, that a Call of £4 per share be made on all the Contributories, payable to Robert Palmer Harding, Official Manager, 5 Serle-street, Lincoln's-inn, on or before April 7.

Security Mutual Life Assurance Society.—V. C. Kindersley ordered, on Mar. 14, that a Call of £30 for every £1,000 be made on all the Contributories, payable to W. C. Wrighte, Official Manager, 4 Sambrook-ct., Basinghall-st., on or before April 14.

Trevena Mining Company.—The Master of the Rolls ordered, on Mar. 15, that a Call of £2 per Share be made on all the Contributories, payable to Robert Palmer Harding, 5 Serle-st., Lincoln's-inn, on or before April 6.

Anglo-Californian Gold Mining Company.—April 16; for winding up.

Limited, in Bankruptcy.

European and American Steam Shipping Company.—April 8, at 12.30; for winding up.

Friday, *April* 1, 1859.

Unlimited in Chancery.

Car Cynon Mining Company.—Feb. 22, for winding up.

Home Counties and Metropolitan Freehold Land Society.—V. C. Wood, April 14, at 2, at his Chambers, to settle the list of Contributories.

New Engine Coal Mining Company.—V. C. Wood, April 13, at 12, at his Chambers, to appoint persons to represent the Creditors.

Paragon and Speed Coal Mining Company.—V. C. Wood, April 13, at 12, at his Chambers, to appoint persons to represent the Creditors.

LIMITED IN BANKRUPTCY.

NORTON DISTRICT UNION CORN MILL COMPANY (LIMITED).—Com. West, April 15, at 11; Pet. for winding-up.

Scotch Sequestrations.

TUESDAY, *Mar.* 29, 1859.

BECKER, CARL, Pastrycook, 43 Jamaica-st., Glasgow (James Morrison & Co.) April 5, at 12; Procurators'-hall, St. George's-pl., Glasgow. *Seq.* Mar. 25.

HILL, EZEKIEL, Shoemaker, Dumbarton. April 5, at 12; Elephant-hotel, High-st., Dumbarton. *Seq.* Mar. 23.

QUANTLEY, Rev. HENRY JOHN, sometime of 3, St. Leonard's-pl., Slough, Bucks, thereafter of Pickering, Yorkshire, and now of Linlithgow. April 1, at 1; Star & Garter-hotel, Linlithgow. *Seq.* Mar. 25.

SMITH, PETER, Draper, Arbroath. April 6, at 12; White Hart-hotel, Arbroath. *Seq.* Mar. 26.

SMITH, THOMAS, Manufacturer, Cupar-Fife (William Smith & Son). April 4, at 1; Tontine-hotel, Cupar-Fife. *Seq.* Mar, 23.

WINGATE, JAMES & ROBERT FLEMING, Calico Printers, Glasgow (Wingate & Fleming). April 8, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Mar. 26.

FRIDAY, *April* 1, 1859.

ALLAN, ISABELLA, or HAY, & JOHN HAY, Farmers, Duntiblae and Fauldhead, Kirkintilloch. April 5, at 11; Crown-inn, Kirkintilloch. *Seq.* Mar. 25.

HILL, EZEKIEL, Boot & Shoe Maker, Dumbarton. April 5, at 12; Elephant-hotel, High-st., Dumbarton. *Seq.* Mar. 23.

MACKINLEY, ROBERT, Drysalter, Glasgow. April 8, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Mar. 28.

M'DONALD, PETER, & Co., Tailors, Aberdeen. April 9, at 12; Douglas's-hotel, Aberdeen. *Seq.* Mar. 30.

ROSS, DANIEL, Victualler, Shaftesbury-st., Glasgow. April 8, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Mar. 28.

STRATHERN, JOHN, Farmer, Marlee. April 9, at 12; M'Laren's-hotel, Blairgowrie. *Seq.* Mar. 28.

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THE SOLICITORS' JOURNAL.

LONDON, APRIL 9, 1859.

CURRENT TOPICS.

We have printed in another part of the journal, a paper on Professional Remuneration, which has appeared in the Transactions of the National Association. The paper was read by Mr. Edgar before the jurisprudence department at the last meeting at Liverpool, and excited considerable interest. The author's views are no doubt sound with reference to the principles of political economy, but how far these principles are applicable to the case of professional remuneration may admit of a different consideration. Mr. Edgar treats the subject chiefly in its popular aspect, maintaining, however, that the interests of the public and the profession are identical. The question of the mode of remuneration has for some time been stirred within the profession, and is certainly well deserving of further consideration with reference to professional interests. There can be little doubt that there is a growing feeling that the existing system is inconvenient, and that the remuneration under it is inadequate.

Mr. Baron Bramwell's remarks on the verdicts of Welsh juries have excited no little indignation in the Principality. In private conversation, if one draws a sweeping and insulting inference against any considerable body of persons, from some isolated and casual instance, a bystander is not likely to be impressed with the fairness or the logic of the speaker. To give expression to the illogical insult in the presence of some of these persons themselves would be to bid for the reputation of bad taste, in addition to the other qualities already mentioned. Where those who are attacked have no opportunity of defending themselves, something like cowardice would be ordinarily imputed to the assailant; and it would only be necessary that the attack should be otherwise unjustifiable and unprovoked to attain the acme of injustice of this sort. Some of our Welsh friends evidently consider that Mr. Baron Bramwell's recent observations on circuit went very near fulfilling all these conditions; in which opinion we find it difficult not to concur, unless, indeed, the ermine is a shield against every judgment of the public—a doctrine to which we by no means subscribe. On the contrary, we regard such extra-judicial observations as deserving of anything but encouragement, even when they happen to be unobjectionable in themselves. But when they are otherwise—when they are calculated to interfere with the regular current of trade, and to excite ill-feeling between two large divisions of our countrymen—as Baron Bramwell's remarks at Merionethshire assizes certainly were—they are as open to animadversion as if the speaker were clothed in stuff, and spoke from any other place than the bench. No judge of assize had any right to state from the judgment-seat that the acquittal of a prisoner, who in his opinion ought to have been found guilty, "should be a warning to Englishmen not to invest their capital in Wales." The premises were altogether insufficient for such a conclusion. Even if they were not, the observation would still be highly culpable, taking into consideration the speaker, the occasion, and those to whom it was addressed. Mr. Salisbury gave notice in the House of Commons of his intention to ask an explanation on this subject, but for some reason unknown to us allowed the matter to drop.

[Since the foregoing observations were written, we have learned of Mr. Salisbury's intention to address a question on the subject, this (Friday) evening, to the Home Secretary.]

BANKRUPTCY LAW REFORM.

VIII.

With regard to the certificate of conformity, both Bills proposed to abolish the existing classification, which is almost universally admitted to have worked unsatisfactorily. We think, however, that some mode should be devised by which a debtor, whose bankruptcy has arisen from unavoidable misfortune, and whose conduct has been in all respects satisfactory to the Court and the creditors, might have the benefit of a statement to that effect, under the seal of the Court, and the signature of the assignees, by way of admission to, or endorsement upon, the ordinary certificate. A suggestion has also been made, and it is worthy of consideration, whether, having regard to the debtor's future dealings, it might not with advantage be stated in a schedule to the certificate granted to every trader, how long he has carried on business; the amount of his capital at the commencement of trading; the amount of his assets and liabilities at the date of the bankruptcy; whether his books had been properly kept; and any other material facts affecting his conduct and character, of which the Court may have become satisfied during the investigation. The Government Bill provides, that the certificate shall not be suspended for a longer period than two years, but we doubt the policy of imposing any limit upon the discretion of the Court, as there will be many cases of misconduct which the penal clauses cannot reach, and which can only be punished by refusal or suspension of certificate. Both Bills continue the existing circuitous process of committal under the B. a. certificate, where the certificate of conformity is refused. We do not see any necessity for this, as the effect of it is to give the bankrupt an opportunity to escape, and we think the Commissioner might, with perfect safety, be allowed to place a warrant of commitment in the hands of a sheriff's officer, immediately after giving judgment on the certificate, if the assignees or any creditor applied for one.

The penal clauses of both Bills appear to have been carefully prepared, and, with one exception, we do not think they are capable of any material amendments, beyond those verbal alterations which a careful comparison of the two Bills will suggest. The exception to which we have referred, is the limitation of three months as the period within which the offences under section 430 of Lord John Russell's Bill, and some of those mentioned in section 143 of the Government Bill, are to be committed, in order to constitute them misdemeanours. It is very important there should be some limit as to time, but we think three months much too short, as it would not be difficult for a person who had

committed any of the specified offences to stave off bankruptcy for such a period, in order to avoid punishment for them.

We have now gone through the principal provisions of the two Bills, so far as they relate to bankruptcy and insolvency, and have endeavoured to place before our readers, in a convenient form, our views as to the leading principles by which we consider the Legislature should be guided, in dealing with the subject in a comprehensive and effectual manner. The portion of the Government Bill which abolishes imprisonment for debt has not been commented upon, as we do not think the subject is so closely connected with the law of bankruptcy and insolvency as to be embraced in the same Act. There can be no doubt that, as an abstract proposition, imprisonment for debt, under the ordinary process of execution, cannot be defended, and an alteration of the law will be rendered more easy of attainment if the distinctions in the administration of the estates of insolvent traders and non-traders be abolished as proposed; but the subject is not free from difficulty, and we do not think provisions for effecting such an object can properly or conveniently be enacted as part of a Bankruptcy Act.

We are glad that Lord John Russell has consented to his Bill being referred to a select committee; and if the Government Bill be sent to the same committee, we have no doubt a very efficient measure will be the result. In consequence of the dissolution of Parliament, it is very improbable that the labours of such a committee will be brought to a close in sufficient time for an Act to be passed in the second session of the present year, but we hope that the additional time during which the Bills will be under discussion will be turned to good account, and result in the enactment of as perfect and final a measure as can in the nature of our institutions be framed. Chambers of Commerce and other commercial bodies should now give their careful attention to the details of the two Bills, as Parliament must in a great measure rely upon them for those practical suggestions which are absolutely necessary in the preparation of such a measure as will satisfy the requirements of the commercial community.

The Courts, Appointments, Vacancies, &c.

CENTRAL CRIMINAL COURT.

(Before the Recorder.)—*April* 6.

Ambrose Haynes, solicitor, surrendered to take his trial upon an indictment, charging him with having conspired, with John Gibson Bennett, Charles Alfred Bennett, and Alfred Lea Bennett, to defraud, by pretending to cure deafness in ten minutes.

The indictment, which was very lengthy, set out in different ways the acts of conspiracy imputed to the defendant.

The defendant, who came into court accompanied by a great number of friends, was permitted by the learned Recorder, on an application being made after surrendering, to sit behind his counsel during the proceedings.

The three defendants Bennett did not appear.

Mr. *Tindal Atkinson*, in stating the case to the jury, entered at some length into the circumstances giving rise to the present prosecution, and said, the charge against the defendant was that of conspiring with the other defendants named to defraud divers persons by means of pretending to cure them of deafness in ten minutes, and the frauds practised on the public had been carried on to a very great extent.

Two witnesses were examined, after which

Mr. *Ballantine* rose to address the jury, and said, that under ordinary circumstances, he should have asked the Recorder if there was any case for them to consider; for the charge against the prisoner now rested upon the testimony of the two tainted witnesses, but his client, Mr. Haynes, was a man of honour, and had been placed in this danger by a gang of scoundrels, from whom no respectable man was safe, and might be placed in that dock. He had the mayor of Kingston and a host of respectable people to give him a character, which would clearly show he was a man of the highest respectability, while his prosecutor, Stowell, was one who had figured in a criminal court in another position than his present one.

The Recorder, in summing up, told the jury that the evidence rested entirely upon the uncorroborated testimony of two accomplices.

The jury immediately acquitted the prisoner.

OXFORD CIRCUIT.—GLOUCESTER.

(Before Mr. Baron Channell.)

Smith v. *Dowell and others.*—*April* 2.

This was an action of ejectment, brought to recover a small house and two pieces of land, consisting of about fifty-four perches, in the Forest of Dean. The plaintiff claimed the property as heir-at-law of the original owner, who had acquired his title by encroachments on the property of the Crown. It appeared that at the commencement of the present century commissioners were appointed to inquire into encroachments on the Royal Forest; and they reported that, as to certain lands marked red on their map, the occupiers had acquired a freehold title; and as to other lands marked blue, that the occupiers had been so long in possession, that it was expedient that a Parliamentary title should be given to them. Under this award the house and pieces of land in question, one of which was red and the other blue, became the property of the plaintiff's father, who died intestate.

The defence was, that the old man had executed a deed conveying the whole of the property to his second son Amos, under whom the defendants claimed. The deed in question had been prepared by an old man who in times past acted as lawyer, schoolmaster, &c., to the foresters; it contained a strange jumble of legal phrases, but it purported to convey the property to Amos. The deed had a seal upon it, but the old forest factotum could not tell whether it was upon it when the deed was executed. There were also many erasures of dates, sums, and quantities, respecting which the old man, though aided by his spectacles, could give no explanation. He swore that a separate receipt for the purchase-money, which was shown to him, was given on the day the deed was executed, though the Government mark on the stamp proved that it must have been of a later date. The defendants also relied on an assignment of a mortgage executed by the old man before he acquired his Parliamentary title. There was a great conflict of evidence on all the points of the case, and

Mr. Baron Channell made several attempts to induce the parties to come to some compromise, and warned them, that, if they did not do so, the whole of the property would be swallowed up. These efforts were, for a long time, ineffectual, but at length the parties agreed to leave the matter in his Lordship's hands, and he decided that the one portion should go to the plaintiff and the other to the defendant.

Verdict accordingly.

(Before Mr. Justice Crompton.)

Evans v. *Attwood and another.*—*April* 4.

This was an issue directed by the judge of the Court of Probate to try the validity of a will alleged to have been made on the 4th of January, 1856, by the late Edmund Attwood, of the Vine Tree Farm, at Teddington, in the county of Worcester. The defendants, Alice Attwood and Eliza Shipway, who supported the will, were the two surviving sisters of the deceased, and were living with him at the time of his death, which took place on the 27th of February, 1856. The plaintiff, William Evans, was nephew and heir-at-law of the deceased, being the son of another sister, Mary Evans, and he alleged that at the time the deceased executed the will in question he was insane and imbecile, and was induced to sign it by the undue influence of the defendants.

After the examination of the witnesses,

Mr. Justice Crompton summed up the evidence at some length, commenting on the absence of medical testimony. His Lordship then left the issues to the jury, and they, after a very short deliberation, found for the defendants, thus establishing the will.

At the commencement of the trial,

Mr. Justice Crompton remarked on the "tremendous parchment" which had come down from the Court of Probate, containing the issue to be tried. His Lordship would not call the contents "rubbish," but he suggested that it was not necessary to send such a document.

Mr. Serjeant *Pigott* said, he believed the whole of the allegations had been set out.

The document in question consisted of fifteen closely written sheets of parchment, the material portion of which—viz. the

question to be tried, might have been expressed in one sentence. The learned judge of the Probate Court will, no doubt, put a stop to such an abuse the moment his attention is called to it.

NORTHERN CIRCUIT.—LIVERPOOL.

(Before Mr. JUSTICE BYLES.)

Baines & Co. v. *Woodfall.—April* 1.

This action was to recover the amount of a policy of insurance upon the ship *James Baines*, which was entered into on the 30th July, 1857, and was to run for twelve months.

The plaintiffs in this case were the well-known shipowners in Liverpool, and the defendant was an insurance-agent connected with the underwriters, also of Liverpool. This was a time policy. The owners of the *James Baines* entered into an agreement with the Government, and the vessel sailed for India with troops, from whence she returned to this country on the 12th of April, 1858. The vessel having returned, her owners, on the 15th of April, communicated with the defendants, to request them to return the premium upon the vessel up to the time the policy expired, if they were so disposed, from the 12th April, and to send them a credit note for the amount, the plaintiffs sending therewith the policy to be cancelled. Nothing further was done up to the 22nd of April; nor was any answer returned on the 22nd of April; the vessel, then in dock, took fire and was destroyed. Nothing having intervened between the 15th and 22nd, the owners considered that the underwriters had not cancelled the policy. On that day, the ship being on fire, the plaintiffs wrote to the defendants, informing them that, not having received a reply, they withdrew their notice and the request it contained. The same day they received a letter from the defendants, containing two credit notes, one for the *James Baines* and the other for the *David M'Iver*. The credit note on the *James Baines* was dated 20th April, and that on the *David M'Iver* the 22nd April. The credit notes differed in date, and that must be explained.

Mr. *James*, Q.C., contended that the policy had not been cancelled on the terms mentioned in the note, and that, therefore, it entitled them to recover.

Mr. *Wilde*, Q.C., for the defence, contended that bonâ fide the policy was cancelled upon the 16th, and he called evidence to prove that it was customary to charge the premium for the full month.

After some argument upon this point of the case between the learned counsel, a verdict was entered for the defendants, the plaintiffs having leave to move in the superior courts.

THE VACANT JUDGESHIP OF THE SHERIFFS' COURT.

This appointment, which has become vacant by the decease of the late Mr. Prendergast, and which is in the gift of the Common Council of the City of London, promises to become a matter of considerable contention amongst the members of the bar. It was reported that Mr. J. Locke, M.P., and Mr. Bodkin, would become candidates for the office, but they have not, up to this time, issued any address to the Court, and the former gentleman is again standing for the representation of Southwark.

Mr. Alexander Pulling, of the Welsh Circuit, has issued an address to the Lord Mayor, Aldermen, &c., in which he says, with reference to his examinations before the Corporation Commissioners in 1854, in answer to some observations which had been circulated respecting his suitableness for the office:—

> I was not a volunteer or partisan before the London Corporation Commissioners; but, like your late Recorder and Town Clerk, formally summoned to expound the law and constitution of our ancient city—(see Evidence, p. 81)—the compliment thus paid me being, I suppose, attributable to the first of my three works on English law, the "Treatise on the Laws and Customs of London," published eighteen years ago, a work which has been always well received by the Corporation, by the members of my own profession, and by the judges of the land.
>
> My evidence before the Commissioners was for the most part of a purely legal character, and as such is freely acknowledged throughout the Commissioners' Report, to which I beg to refer you; my suggestions for reform and improvement were also of a legal character, and some of them you will find mentioned with approbation in the evidence of your late Recorder. —(See Mr. Wortley's Evidence, p. 568).
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> * * * * * * *
>
> The privilege of the citizens of London to choose their own judges is one coeval with the British constitution. It has been rarely abused or misapplied; and, looking to the high character, the learning, dignified bearing, and unsullied integrity of so many of the judges of the city of London, it is, indeed, an object of ambition with me to be counted among their number.

The next candidate is Mr. William Cooper, who was called to the bar in the year 1831. He rests his application upon the following references:—

> I am now of considerable standing at the bar, was many years a Commissioner of Bankrupts at Norwich, where I attended as counsel the then local courts for the recovery of small debts in the city and county, as also the assizes and sessions. For the last twelve years I have practised in the Nisi Prius, the Central Criminal, and other courts in London, and I have the last twenty years been a revising barrister.

Mr. W. C. Wood, of the Home Circuit, is also canvassing the City Corporation for their suffrages.

Mr. R. Malcolm Kerr has put himself forward as a candidate, and bases his fitness for the office on the following qualifications:—Lecturer on common and criminal law at the Incorporated Law Society; writer or editor of three popular legal works; and editor of the recent edition of *Blackstone's Commentaries*, and which is now used for the examinations of students in the Inns of Court and the University of Cambridge.

Mr. Kerr formerly belonged to the Scotch bar, having been called in 1843, and to the English bar in 1848.

Mr. C. R. Kennedy, of the Oxford Circuit, is another candidate for the honour. This gentleman is of some standing in the profession, having been called to the bar in 1835. He was leading counsel for Mrs. Swinfen in the celebrated case of *Swinfen* v. *Swinfen*, sent down for trial as to the validity of a will. He has also held the professorship of law at the Queen's College, Birmingham.

The next candidate is in the person of Mr. Sleigh, an advocate of considerable practice at the Old Bailey and other sessions, and author of a "Handy Book on Criminal Law," which, by a resolution, was ordered to be distributed among the members of the Court of Aldermen.

Mr. W. F. Finlason has addressed a letter to the Lord Mayor and Corporation, offering himself as a candidate for the vacant judgeship. He says that for several years he has been engaged as a legal author and law reporter, and that several of the judges have testified to the learning, ability, and accuracy of his reports.

And, lastly, Mr. Corrie, formerly of the Northern Circuit, late deputy-judge of the Old Palace Court, and now stipendiary magistrate of the Clerkenwell Police Court.

We hear, also, that Mr. Serjeant Thomas is a candidate.

We believe it is expected that the contest will ultimately lie between Mr. Pulling and Mr. Sleigh, and that the respective friends of each of these gentlemen are sanguine of success.

The day of the election has not yet been appointed.

THE LORD CHANCELLOR.—Every Lord Chancellor has his peculiarities. The present one has been endowed by nature with a singularly handsome person, which seems also blessed with the power of defying, or at any rate withstanding, the damaging influence of time. It is, perhaps, to this that the peers are indebted for seeing their president always attired as if he were going to attend her Majesty at a drawing-room or levee. Other Lord Chancellors have been content to wear their robe over their ordinary dress, but Lord Chancellor Chelmsford is always en grand tenue. This is peculiarly manifest when his Lordship leaves the woolsack to address the House. The robe is then generally thrown back, and the well-turned limbs and perfectly-dressed figure of the Chancellor is displayed to full advantage. The House of Lords also boasts, in its new Serjeant-at-Arms, Colonel Talbot, an officer remarkable in this respect. As a variation from the slovenliness which is sometimes exhibited by men in office, the alteration displayed by the noble occupant of the woolsack and the gallant serjeant is a great change for the better.—*The Court Journal.*

Major-General Marcus Slade, who has been appointed Lieutenant-Governor of Guernsey, is twin brother to Mr. F. W. Slade, Q.C., of the Western Circuit.

THE METROPOLITAN RAILWAY.—The Court of Common Council have passed a resolution in favour of taking a direct interest, to the extent of 20,000 shares, amounting to £200,000, in this undertaking.

FREE EXAMINATION OF WILLS.—In reply to the application made by Mr. J. Bruce to Sir C. Cresswell, on the propriety of throwing open to literary men, free from fees, the collection of wills at Doctors' Commons, it was stated by the latter gentleman that more convenient premises must be first obtained, as well as the sanction of the Commissioners of the Treasury to the remission of fees, as by section 3rd of the Probate Act, "Any officer wilfully neglecting or omitting to collect the fee prescribed, is liable be to dismissed from his office." The general tone of Sir Cresswell's communication favours the supposition that the privilege sought will be granted.

MR. BARON BRAMWELL AND WELSH JURYMEN.—At the Denbighshire Assizes Baron Bramwell was so dissatisfied with the jury at finding a prisoner not guilty of stabbing, against

evidence, that he said, "Very well; leave the box, and let me have twelve men who will give a proper verdict." In the next case he told the jury, alluding to the previous decision, "He felt compelled to make these remarks, in consequence of verdicts which he knew to have been returned by juries in the Principality of Wales. It really was a most melancholy thing. He really did not scruple to say, as to the last verdict, that it was impossible to believe it to be a true verdict, according to the evidence; and as the jury appeared to be respectable men, he could not help thinking they were labouring under some deception as to the rights and duties of jurymen. He must say, if such practices continued, some remedy must be for them, for it was utterly intolerable to see a man, shown to be guilty, acquitted, owing to some dishonesty or some feeling on the part of the jury." At Beaumaris, the judge made some severe remarks on the verdicts of some of the juries he had had to deal with, in the course of his circuit, and, as a jury were leaving the box, at Beaumaris, he begged them "to bring a little common sense to bear on the matter," and asked, "What have you to consider about?"—*Liverpool Albion.*

East Indies.—The appointment of Mr. Peacock to the Chief-Justiceship of Bengal, announced in the letter of your Bombay correspondent, vacates a seat in the Council of Calcutta.—*Times.*

Notes on Recent Decisions in Chancery.

(By Martin Ware, Esq., *Barrister-at-Law.*)

Court of Probate and Court of Chancery — Jurisdiction—Construction of Will.

Warren v. *Kelson*, 7 W. R. 348 (Court of Probate).

In this case a conflict of opinion arose between the Court of Probate and the Court of Chancery as to the construction of a bequest, in which the Court of Probate felt itself bound to give way to the Court of Chancery. The testator gave certain real and his residuary personal property for founding a charity; and in case the scheme for a charity should fail, he gave it to his godson, W. H. Warren, whom he had appointed a trustee of the proposed charity, for his own use and benefit. The testator appointed two executors, one of whom died in his lifetime, and the other renounced probate. The late judge of the Prerogative Court of Canterbury (Sir *J. Dodson*) was of opinion that the gift to the charity being void under the Statutes of Mortmain, the gift to W. H. Warren failed also; and he therefore granted letters of administration, with the will annexed, to the next of kin of the testator (*Rudall* v. *Warren*, Deane & Swabey, 306). Afterwards a bill was filed by W. H. Warren, for the administration of the estate in Chancery, in the course of which *Wood*, V. C., decided that the gift to W. H. Warren was valid, and that he was entitled to the real and residuary personal estate for his own benefit (*Warren* v. *Rudall*, 6 W. R. 847). Shortly after the decree in Chancery, the next of kin, to whom letters of administration had been granted by Sir *J. Dodson*, died, and another of the next of kin applied for administration before the Court of Probate, and her application was opposed on behalf of W. H. Warren, on the ground of the Vice-Chancellor's decision in his favour, and a petition was presented for a grant of administration (de bonis non) with the will annexed, to be made to his guardian, appointed by the Court of Chancery. Sir *C. Cresswell* granted the prayer of the petition, considering that he was bound by the decision of the Court of Chancery. He said, "The Court of Probate does not habitually act as a court of construction; that is not its proper function, save in cases when it is absolutely necessary, in order to determine the rights of litigant parties. In this case Sir *J. Dodson* was bound to act; but having given his opinion, and granted administration to the next of kin, resort was had to the Court of Chancery to obtain the opinion of that Court, and, according to the opinion of that Court, the estate of the testator must be ultimately administered. I, therefore, consider that the proceeding in the Court of Chancery is in the nature of an appeal from the judgment of the Prerogative Court, and that I ought to follow the last decision, viz., that of Vice-Chancellor Sir *P. Wood*."

Statute of Frauds—Parol Agreement explaining Absolute Conveyance.

Lincoln v. *Wright*, 7 W. R., L. J., 350.

This is an instance of a class of cases which generally cause embarrassment to the Courts, namely, those which relate to the admissibility of parol evidence in explaining agreements respecting real estates. The owner of a life estate in a cottage and lands conveyed for a valuable consideration his life interest in the whole property to the nominee of the purchaser, but continued to live in his cottage rent free. Some year afterwards an ejectment was brought to turn him out of the cottage, and he then filed a bill in Chancery on the ground that conveyance though expressed to be absolute, was, in reality, only a mortgage, and that the verbal agreement between the parties was, that the plaintiff should continue to live in his cottage rent free, and that the mortgagee should repay himself principal and interest out of the rent of the land. The Lords Justices, affirming the decision of *Kindersley*, V.C., granted the relief prayed. The Statute of Frauds was avoided on two grounds—that the continued residence in the cottage rent free, being inconsistent with an absolute conveyance, was part performance of the parol agreement; and that parol evidence of the agreement was admissible to prevent the perpetration of a fraud. *Knight Bruce*, L.J., relied on the former of these grounds, *Turner*, L.J., on the latter. As to the latter point, on which there appeared to be the most difficulty, *Turner*, L.J., remarked, that the Statute of Frauds was not made to cover fraud. If there was a mortgage transaction, it was a fraud for the mortgagee to hold the property absolutely, and therefore parol evidence was admissible. (See "Sugd. Vend. and Purch.," 655. "Fry on Specific Performance," 174.)

Executor—Realising Assets—Railway Shares.

Street v. *Street*, 7 W. R., V. C. W., 350.

This case involved a question of much practical importance to executors, on whom the difficult task devolves of realising assets of a fluctuating character, such as shares in joint stock companies. The testator was at his death—which happened in Nov., 1838—possessed of shares in several railways. His executor kept some of the shares till 1840, and others till 1841, at which time they were valueless, and he was obliged to pay money to the company and other persons to take the shares off his hands. He had, in the meantime, paid several thousand pounds in calls on the shares. It was contended by the residuary legatees that the executor had shown great want of discretion in not getting rid of the shares at an earlier period, before so many calls had been made, and that he ought not to be allowed the payments on account of those shares. The Vice-Chancellor, however, took a merciful view of the conduct of the executors. He was of opinion that, considering the immense masses of property in the form of shares held by testators, he should be laying down a rule which would tend to prevent any one from accepting the office of executor in such cases, if he were to say that the executor was not to have time for that reasonable consideration which would enable him to know how to dispose of the property. The case is certainly a strong one in favour of the executor, but the principle has been often recognised, as in *Buxton* v. *Buxton* (1 My. & Cr. 80), where an executor allowed part of the assets to remain invested in Mexican Bonds for a year and seven months, and then sold them at a less price than he could have obtained at an earlier period. In that case he was not held responsible for the loss, as he appeared to have acted with care and diligence. There seems, therefore, to be little risk of an executor being held responsible for the loss in realising such fluctuating property, if he really uses his best discretion, even though he waits considerably longer than a year after the testator's death before he ventures upon a sale. (See "Williams on Executors," 4th ed., 1543.)

Notes on Recent Cases at Common Law.

(By James Stephen, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

Detinue—Bailment—Attorney and Client.

Reeve v. *Palmer*, 7 W. R., Exch. C., 325.

This was an action of detinue, to recover a certain title-deed which had come into the possession of the defendant, as the attorney of the plaintiff. The deed in question was seen by the defendant (as he admitted) among the papers in his custody, some four years before it was demanded of him by the plaintiff, but in some way or other—how he knew not—it disappeared, and when sought for, was not forthcoming. This was held by the Court of Common Pleas to show primâ facie a loss by negligence, and that for such loss the defendant was answerable in detinue; a doctrine against which he appealed to the Exchequer Chamber, on the ground, chiefly, that the action of detinue was not maintainable under the circumstances (whatever other remedy might be proper), as the deed being lost before the demand of it was made there could not be said to have been any *detainer*. It was, however, answered by the

Court of Error (affirming the judgment of the Court below), that in a general bailment, such as that before them, all matters were open to the plaintiff, and any facts might be let in which proved that the defendant lost the article bailed to him; who, on his part, was estopped from setting up his own negligence, in denial of the exact words of the declaration. Moreover, from the authorities in the books, and particularly in Com. Dig. "Detinue" A., and "Pleader," 2 X. 12, it appeared that a bailee may be sued in detinue, though he has lost the bailment or quitted the possession before action brought by delivery to another.

SIC UTERE TUO UT ALIENUM NON LÆDAS—MAXIM, HOW APPLIED.

Hardcastle v. *The South Yorkshire Railway and River Dun Company*, 7 W. R., Exch., 326.

This case affects a useful reading on that most important maxim of the law, "Sic utere tuo ut alienum non lædas." The action was brought under Lord Campbell's Act by the representatives of a person who was killed under the following circumstances. He was walking at night along a public highway, and, in consequence of the darkness, missed the path, and turning upon land belonging to the defendants came upon an unfenced reservoir there, and was drowned therein. The defendants were held not to be liable for this accident, because the insufficiently-protected reservoir was not *adjoining* the public way, but at a certain distance from it, so as in fact to make any one falling therein a trespasser before reaching the dangerous place. Thus the Court distinguished the case from that of *Barnes* v. *Ward* (9 C. B. 392), in reliance on which this action was brought. The facts in that case were, that the defendant being possessed of land abutting on a public footway, excavated an area in the course of building a house immediately adjoining the footway, and left it unprotected; and a person walking in the night-time fell in and was killed. There the defendant was held liable, on the principle that an excavation (close to the public road) was a public nuisance, and that an individual injury arising from such a nuisance was the subject-matter of an action to the party aggrieved. See also *Blyth* v. *Topham* (Cro. Jac. 158.)

APPEAL FROM MAGISTRATES—PRACTICE—COSTS.

Davis, Appellant, v. *Douglas, Respondent*, 7 W. R., Exch., 327.

This case turned upon the construction of the Act for regulating theatres (6 & 7 Vict. c. 68); but is noticed here on account of two points on which it throws light concerning the practice on appeals under the recent statute (20 & 21 Vict. c. 43), from the determination of justices on matters of law. The first of these is, that a case, under the provisions of that Act, may be reserved, though the magistrates *dismiss* the information laid—the course apparently being for the superior Court to send the case back to the justices to be re-heard, if it is thought that the information ought not to have been dismissed. The other point is on a matter which has indeed been already so laid down in more than one instance—viz. that the party who succeeds on the appeal is, in ordinary cases, entitled to the costs thereof. (See "Oke's Magisterial Synopsis," 6 ed. p. 210.)

EVIDENCE—CONTRADICTION OF WITNESS—17 & 18 VICT. c. 125.

Greenough v. *Eccles*, 7 W. R., C. P., 341.

In this case it became necessary to determine the proper construction of that provision in the Common Law Procedure Act, 1854, which allows a party producing a witness who shall in the opinion of the presiding judge prove "adverse," to contradict him by other evidence, or (by leave of the judge) to prove that at other times he had made a statement inconsistent with that he gave in his examination in chief. At the date of this Act it was, to a certain extent, an unsettled point whether a contradiction by means of a contradictory previous statement was allowable by law. In the opinion of the Common Pleas, in the present case, the intention of the Act must be taken to be to affirm the propriety of that course only in case of the witness turning out to be "adverse," in the sense of being "hostile," and not merely "unfavourable." *Willes*, J., stated, moreover, that he doubted whether the decision of the presiding judge on this matter could be received by the Court in banc. And the Chief Justice intimated that in his opinion the section had been both carelessly framed and hastily adopted—since the words "should the witness prove adverse" were proper only with reference to a case in which it was sought to contradict the witness by proving contradictory statements, and not by giving *other* evidence, which the party calling him was always allowed to do without the aid of the Common Law Procedure Act.

PRACTICE—COSTS—CONCURRENT PROCEEDINGS AT LAW AND IN EQUITY.

Mortimore v. *Soares*, 28 L. J., Q. B., 133.

In this case the following facts appeared in support of an application on behalf of the plaintiff, for a rule calling on the defendant to show cause why his notice to proceed to trial and all subsequent proceedings should not be set aside, and why all further proceedings should not be stayed. The action was brought to recover from the defendant a certain sum of money for freight, and after issue joined, the plaintiff filed a bill in equity against the defendant for the recovery of the same freight: and to this bill the defendant put in his answer, and afterwards obtained an order that the plaintiff should make his election whether he would proceed at law or in equity. Accordingly, the plaintiff elected to proceed in equity; whereupon the defendant served him with a notice to proceed to trial under the 101st section of the Common Law Procedure Act, 1852; and after the due period had elapsed, without that notice being attended to, entered a suggestion (as allowed to do) of that fact, and signed judgment for his costs of the action. This manner of proceeding to obtain the costs of the proceedings at law the Court held to be regular; and refused the rule, observing, that before the Procedure Act the same end might have been attained by getting judgment, as in case of a nonsuit, and that the only effect of the new provision was, to alter the manner of obtaining the same object.

Parliament and Legislation.

HOUSE OF LORDS.

Friday, April 1.

INDICTABLE OFFENCES (METROPOLITAN DISTRICTS) BILL.

This Bill passed its third reading.

MANSLAUGHTER BILL.

This Bill passed through committee.

Tuesday, April 5.

COURT OF DIVORCE AND MATRIMONIAL CAUSES.

Lord CAMPBELL called attention to the inconvenience caused by the overcrowded state of this tribunal, and by inadequate judicial strength now provided for the despatch of its business. The judicial power of the Court ought, he thought, to be considerably increased.

The LORD CHANCELLOR agreed with his noble and learned friend. He thought it very unfortunate when the original arrangement was made respecting a full court that so limited a choice of judges was given for that purpose. The only judges now capable of forming a full court with the Judge Ordinary were the three chiefs and the three senior puisne judges of the superior courts; and he had been given to understand that it would be impossible to get through the business of this tribunal unless there was a full court four times a-year. The judges of the superior courts could not, however, give sufficient time to the discharge of these duties, and there must, therefore, either be an extension, so to speak, of the area of selection for the constitution of the full court, or there must be a creation of new judges. He hoped the Government would ere long be in a position to introduce a measure to effect such improvements in this tribunal as would enable it to work efficiently and satisfactorily.

MANSLAUGHTER BILL.

This Bill was read a third time and passed.

HOUSE OF COMMONS.

Monday, April 4.

COUNTY COURTS.

Mr. HUGHES asked the Secretary of State for the Home Department whether any steps had been taken to regulate the imprisonment of persons who were now subjected thereto by county court judges; and if not, whether any inconvenience would arise from rescinding that portion of the order for prison discipline which subjected parties to imprisonment in a recusant ward?

Mr. S. ESTCOURT said, that if the honourable gentleman could, consistently with maintaining the order in principle, and the Act of Parliament, suggest any means by which it would be possible to mitigate the hardship which now sometimes occurred, he should give it his attention.

SUPERANNUATION BILL.

This Bill passed through committee.

COUNTY PRISONS (IRELAND) BILL.

This Bill also passed through committee.

POOR LAW AND MEDICAL CHARITIES (IRELAND) ACT AMENDMENT BILL.

This Bill was read a second time.

LAW OF PROPERTY AND TRUSTEES RELIEF AMENDMENT BILL.

This Bill passed through committee.

DEBTOR AND CREDITOR BILL.

This Bill was read a second time.

Tuesday, April 5.

SUPERANNUATION BILL.

In committee on this Bill,

Mr. COGAN proposed, as an amendment to clause 13, to substitute seventy years for sixty-five.

The committee divided, when there were for the amendment, 128; against it, 147; majority for retaining the clause, 19.

After some consideration the preamble was agreed to and the Bill reported.

COUNTY PRISONS (IRELAND) BILL.

The order for the further proceeding with this Bill was discharged.

POOR LAW MEDICAL CHARITIES (IRELAND) ACT AMENDMENT BILL.

The order for the further proceeding with this Bill was also discharged.

PUBLIC OFFICES EXTENSION BILL.

This Bill was read a third time and passed.

INDEMNITY BILL.

This Bill was also read a third time and passed.

TITLE TO LANDED ESTATES BILL.

The order for going into committee on this Bill was discharged.

REGISTRY OF LANDED ESTATES BILL.

The order for going into committee on this Bill was also discharged.

EXPIRING LAWS.

On the motion of Sir S. NORTHCOTE, a committee was appointed to inquire what temporary laws of a public and general nature are now in force, and what laws of the like nature have expired since the last report upon the subject; and also what laws of the like nature are about to expire at particular periods, or in consequence of any contingent public events, and to report the same with their observations thereupon to the House.

Thursday, April 7.

SUPERANNUATION BILL.

This Bill was formally advanced a stage.

REGISTRATION OF BIRTHS, &c. (IRELAND), BILL.

The order for the second reading of this Bill was discharged.

WESTMINSTER NEW BRIDGE.

Lord J. MANNERS obtained leave to bring in a Bill to empower the Commissioners of her Majesty's Works and Public Buildings to acquire additional space for the western approach to Westminster New Bridge.

IMPRISONMENT BY COUNTY COURT JUDGES.

Mr. B. HUGHES asked the Attorney-General what steps (if any) had been taken to prevent the practice of imprisoning debtors who were confined under judgments of county courts in a remand ward; and if any inconvenience would arise by making the rule applicable to fraudulent debtors, and not to mere cases of contempt for non-payment.

The ATTORNEY-GENERAL said, a rule had been made some years back, under which debtors who had been guilty of misconduct were committed to prison, and the same rule had been properly introduced by the Home Secretary into the practice of the county courts. He had looked at the Act, and he found that debtors who had been guilty of fraud, or who had made away with their effects, were liable to be committed to prison by county court judges. He had also found that the county court judges had the power of committing debtors who returned unsatisfactory answers. All that remained to be done under existing circumstances, was to ascertain how the law was administered.

LAW OF LANDLORD AND TENANT (IRELAND) BILL.

In answer to Mr. GREER,

Lord NAAS said, that it was the intention of Government, as soon as possible after the meeting of the new Parliament, to introduce a Leasing Powers Bill, and a Bill to Amend the Law of Landlord and Tenant.

ECCLESIASTICAL REGISTRATION BILL.

In reply to Mr. LEFROY,

Lord NAAS said, that it was not intended to proceed with this Bill.

BARON GREENE.

In answer to a question put by Mr. LEFROY,

Lord NAAS said, that with regard to the remarks made by Baron Greene in passing sentence on the convict Sullivan, it was his intention to bring the matter under the notice of the Commissioners of National Education in Ireland.

MANOR COURTS, &c. (IRELAND) BILL.

The Lords' amendments to this Bill were considered and agreed to.

SUPERANNUATION BILL.

This Bill was read a third time and passed.

EVIDENCE BY COMMISSION BILL.

The Lords' amendments to this Bill were considered and agreed to.

Communications, Correspondence, and Extracts.

LEGAL HONOURS.

To the Editor of THE SOLICITORS' JOURNAL & WEEKLY REPORTER.

SIR,—Seeing, in your number for the week before last, a letter on the subject of the honorary distinctions now conferred on law students by the Incorporated Society, I beg to express my hearty concurrence in the remarks of your correspondent, as to the use by those who have obtained such distinctions of some affix to their names, and to suggest that steps should be taken forthwith (by petition or otherwise) to obtain some authoritative sanction thereof.

Perhaps you will kindly give your aid to some organisation for this purpose, in which I for one shall have great pleasure in co-operating,—I am, Sir, your obedient servant,

A PRIZEMAN.

UNANIMITY OF JURIES.

To the Editor of THE SOLICITORS' JOURNAL & WEEKLY REPORTER.

SIR,—Referring to the well-merited defeat of Lord Campbell's Jury Bill, you will, I am sure, afford me an opportunity of making a suggestion likely to be of benefit to the public.

I would suggest in a case where the jury cannot agree and are discharged, that the plaintiff should be at liberty immediately to re-enter the action for trial by a fresh jury, the witnesses being bound to attend the second trial upon notice. The defendant should be at liberty, if the action was not re-entered within ten days, to require the plaintiff to re-enter it, which, if not done within a limited period, the defendant to have judgment for his costs.

This would be a great saving of time and expense, and, perhaps, the means of preventing the wisdom of our forefathers being questioned in that most glorious of all the institutions of the country—the trial by jury.—I am, Sir, your very obedient servant,

A. S. M.

BANKRUPTCY LAW REFORM.

To the Editor of THE SOLICITORS' JOURNAL & WEEKLY REPORTER.

SIR,—Observing in one of your numbers that suggestions on the pending Bankruptcy Bills are invited, I beg to hand you the following copy of a letter to Mr. Headlam on the subject of proof of debts in bankruptcy, and of his reply.—Remaining, Sir, your most obedient servant,

CHARLES CLARIDGE DRUCE.

10, Billiter-square, E.C., April 6, 1859.

Mar. 29, 1859.

SIR,—I trust you will allow me (as a solicitor a good deal mixed up in commercial matters) to suggest an addition to the clauses regulating proof of debts in the Lord Chancellor's Bankruptcy Bill, and that brought in by Lord John Russell and yourself.

These Bills, both providing for the valuation and proof of contingent debts, equally fail to remedy a long-felt evil, that of the inability to prove for unliquidated amounts.

Whether claims which are substantially for damages (as for libel or assault) should or not be proveable, or when, is a high social question, beyond my province to enter upon, but my experience is, that all claims founded on contract should be proveable.

At present a contingency may be estimated, but in many cases where the liability of the bankrupt is clear, and the figure of it, within a limited range, ascertainable, yet so long as it be unascertained, the technical objection remains.

Suppose a merchant, by one contract, to order two cargoes from abroad, one of them to arrive and be accepted, on the buyer's default the price can be proved; but if the other cargo does not come forward for a month longer, during which the price falls and the buyer becomes bankrupt, the loss on the latter cargo, arising out of the same contract, but technically damages, is not proveable.

A trader divested of all his assets, should, at any rate, be freed from all his liabilities not tortuous in their origin; it is unfair on him and on his subsequent creditors, that after leaving Basinghall-street, he or his future earnings should be liable to answer a previous breach of contract, as in *Green* v. *Bicknell* (8 Adolphus & Ellis), for non-delivery of oil; as in *Ex parte Harrison* (3 M. D. & D.), for non-completion of the purchase of a ship; as in *Woolley* v. *Smith* (4 Dowl. & L.), for breach of a charter-party, or for default in keeping up a life policy; as in *Toppin* v. *Field* (4 Q. B.), and this while an average loss on a sea policy is proveable.

On the other hand, the "unliquidated" creditors, who could equally have sued for the breach of contract, ought equally to get the dividend on their loss; the law excluding them is unjust.

In a case which we recently had to manage of the suspension of a firm in the linseed trade, a private arrangement, beneficial alike to the traders and the creditors, nearly fell through by reason of the firm giving I O U's for claims for refusal to take the delivery of oil (in order to make them proveable); the holders of acceptances, and other creditors for liquidated amounts, threatened to put the debtors into the *Gazette*, to exclude these proofs for damages, and the I O U's, without which the proofs were inadmissible.

I, therefore, submit that a clause should be added to whichever Bill may pass into law. That all bonâ fide demands based on contracts, the breach whereof may have happened, or be in the Commissioner's opinion reasonably certain to happen, and whether or not complete before the bankruptcy should be proveable, though not liquidated, leaving the Commissioner to assess the amount by valuation of factors, brokers, or actuaries, according to the nature of the case.—I am, Sir, your most obedient servant, CHARLES CLARIDGE DRUCE.

T. E. Headlam, Esq., M.P.

10, New-square, W.C, March 30th, 1859.

SIR,—I have read your letter carefully, and am much obliged to you for it. I am inclined to agree with your conclusions. The Bill will be referred to a select committee.—Yours obediently, T. E. HEADLAM.

C. C. Druce, Esq.

COUNTY CROWN ATTORNEYS.

The following article we extract from the Upper Canada *Law Journal*:—

On all sides we learn that the appointment of county Crown attorneys, or local Crown officers, is proving a public benefit.

Crime is an injury to the public, and its prevention an object of public importance.

This being the case, a due regard to the machinery used for the prevention of crime is an object of national importance. The law attaches certain punishments to certain offences, and courts are constituted for the trial of offences, but a superintending power is required, not only to see that the guilty are punished, but that the innocent are not punished as guilty.

The name of the Queen has, we fear, been too often invoked for the gratification of malice or the indulgence of private feelings of the worst kind. Oppression there has been in the name and dignity of a public prosecution, and all for the gratification of spite. This brings us to the fact that a controlling power is requisite, as much for the institution of criminal procedure as for watching it when instituted.

In different countries, though different machinery exists, the effect is substantially the same. In Ireland, in each county a local Crown solicitor is appointed; his salary is small; his duty is, among other things, to conduct at quarter sessions prosecutions cognisable by that Court. At the Assizes, the Crown business is also, we believe, entrusted to Crown solicitors and Crown counsel—the former being paid by salary and the latter by fees. In Scotland, private prosecutions are almost unknown to the law. Attached to every sheriff's court there is an officer called the Procurator-Fiscal, whose duty it is to attend to public prosecutions, and whose remuneration is by fees; among other duties he is required to receive information of offences, to prosecute suspected persons before a magistrate, and to arrange, if necessary, for prosecution before a higher tribunal; in the latter case the whole of the evidence is reported to the Crown counsel in Edinburgh, by whom all further proceedings are conducted. At the head of the Crown counsel is the Lord-Advocate, or supreme public accuser.

The system in France partakes more or less of each of the foregoing. The chief public prosecutor is the Procureur-General, or Attorney-General; under him there are avocats genereaux, or deputies. Attached to tribunals of simple police there are officers called commissaries of police. The great difference between the French, the Scotch, and the Irish organisations is this, that in France, whenever the public prosecutor becomes aware of a crime he is bound to bring the offender to justice, but in Scotland and Ireland a discretion may be exercised.

Our reference to the systems prevailing in European countries makes prominent one feature on which a difference of opinion exists, and that is, the mode of remuneration, whether by fixed salary or by fees. When payment is certain the temptation to neglect is great, but when payment is made to depend on the number of cases disposed of or amount of work done, the temptation to the prosecution of trifling offences is also great; each mode may be attended with evils, and neither is wholly free from objection.

It only remains for us to glance at the system prevailing in Upper Canada, and to see how far it stands comparison with the systems we have noticed.

The public prosecutor here is the Attorney-General. As he cannot be present everywhere at the same time, and as Courts of oyer and terminer are opened in several places on the same day, he has the appointment of substitutes, or Crown counsel. These counsel are not salaried officers, but paid by fees; nor are they permanent officers, but appointed pro hac vice. In each county there is now a county Crown attorney; he is subject to the Attorney-General, and is in fact his local representative. His duties are manifold; such as to receive informations, depositions, &c.; to examine the same; to prosecute at courts of quarter sessions; to watch private prosecutions at the sessions; to assist, if required, the Crown counsel at courts of oyer and terminer; and, in the absence of Crown counsel, to conduct the Crown business at the assizes; to institute and conduct certain proceedings before magistrates; to advise and instruct magistrates; and to receive from deputy clerks of the Crown, clerks of county courts and registrars of surrogate courts, fees due to the Fee Fund.

The remuneration partakes of the character of a salary and of fees. There is a per-centage on moneys received on account of the Fee Fund, and fees for prosecutions at quarter sessions, but no fees for assisting Crown counsel, for advising magistrates, or for prosecuting cases before magistrates, or for other services which we need not notice.

While approving of the mode of compensation—that is, part salary, part fees—we cannot help thinking that a greater state of efficiency would be attained if some remuneration were provided for every duty imposed. Human nature is human nature all the world over, and a lawyer cannot be expected to work without pay more than any other specimen of humanity; besides, it is to be remembered that the time required to be given to the performance of a public duty is time taken from private practice, and ought accordingly to be paid for. The result is simply this, that the work for which no compensation is allowed will be shirked, and is shirked.

The remedy is the application of compensation, or a fair remuneration for services performed. The per-centage on fee-fund money is no more than a fair allowance for the responsibility enjoined; the fees for prosecutions at quarter sessions are only moderate allowances for services performed, and very moderate when it is considered that the county Crown attorney is debarred the privilege of accepting defences against the Crown. And why should duties as important as either of the foregoing—such as that of advising magistrates, who greatly need advice; of prosecuting offences before magistrates where the attendance of trained skill may be greatly needed, and of getting up cases for Crown counsel at the assizes, who, not

being residents, much need the assistance—be without compensation?

We think something ought to be done by the Government or by the Legislature towards remedying this defect. Until done, we feel satisfied that the organisation of the county Crown attorney system in Upper Canada will not be either as efficient or as complete as might be. Hitherto the institution has been upon its trial. It has been tried and is approved. Grand juries have made presentments in its favour, and the common sense of the country supports it. If then good and useful, why not make it thoroughly efficient, and, as far as human wisdom can foresee, complete? We believe that to give moderate fees for all services performed by county Crown attorneys is the only mode of obtaining that state of efficiency and completeness which we desire, and that a proposal to do so would be at present met in a spirit of moderation and candour.

PROFESSIONAL REMUNERATION.

(By Andrew Edgar, Barrister-at-Law.)

There can be little doubt that the mode in which law reform has hitherto been conducted in this country has been almost entirely empirical, and that it has consisted chiefly in the application of very obvious remedies to very obvious inconveniences. Statistical information as to the operation of existing laws has been wholly wanting, and recourse has but seldom been had to social or economical views in considering the various questions connected with the amendment of the law. The great bulk of the law reforms which have been accomplished during the last thirty years have proceeded from lawyers, whose habits and characteristics are seldom such as to lead them to attempt anything beyond a modification of established forms and rules.

We have now, however, arrived at a period in the progress of law amendment, when the question must be considered with reference to far higher and wider principles than have hitherto prevailed amongst law reformers. The subject is now attracting the interest of the public, and they are not likely to be satisfied with any changes that fail to accommodate the law to the intellectual and social views of the present day. Of these views, none have a more powerful hold on the more intelligent portion of the community than the leading doctrines of political economy, which have now been removed from the field of argument to that of experience. Now, not only does the old protective spirit still linger in many nooks and corners of the law, but several important rules of our jurisprudence would be greatly modified by the application of sound economical principles. It may, therefore, be fairly anticipated, that as law amendment becomes more popular, the doctrines which have been successfully applied to other subjects will be also brought to bear on this.

The subject on which I now propose to make a few observations is, perhaps, that which of all others most clearly illustrates the manner in which the most obvious principles of economical science have been violated by the provisions of the law. The mode in which attorneys are remunerated for their services plainly arose in times when it was thought just and expedient to fix the wages of labour and the price of food, and has only received such modifications as have been necessary to suit the altered practice of modern times; but so far from being changed in its essential spirit, a recent statute—the Attorneys and Solicitors Act of 1843—has extended the system of fixed charges enforced by law to a large class of business—that of conveyancing—which before that time was left to the ordinary principle of demand and supply.

For every species of professional business in which an attorney can be employed, the charges are fixed by authority. The attorney is strictly prohibited from charging at a higher rate than the tariff prescribes, and if he should attempt to do so, his bill will, on the application of the client, be reduced by an officer of the court to the regular amount. Except in a very few cases, no regard is had in taxing an attorney's bill to the difficulty of the work he has performed, or to the responsibility he has incurred. The skill acquired by years of practice, the saving of trouble and expense by prudent negotiation, and the extent of benefit which the client may have received, are all valued by a mere mechanical standard, rigidly applied. It is, perhaps, not saying too much, that under such a system the best services are the worst paid for.

But not only is the mode of payment bad, from the charges being of a fixed character and without reference to the real services performed, it is still more objectionable from the manner in which those charges are made up. The charges apply to each step in the work performed. Every kind of business is divided by a minute process into its component parts, and each of these is separately charged for. Thus, the preparation of a lease is charged for in distinct sums for attendances, letters, drawing, copying, parchment, engrossing, stamping, &c.; and the price put upon each of these items neither corresponds to its real or market value, nor is fairly proportioned to the others. In general it may be said, that the higher labour is charged for too low, and the mere mechanical labour and materials too high. To increase the evil still further, written documents are paid for with reference to the higher as well as the mere mechanical labour, according to their length. The profits of an attorney are thus in a great measure made to depend, not on his ability and energy, his knowledge of the law, and his skill in managing the business of his clients, but on the inferior part of his labours, on the number of steps he can introduce into any proceeding, and on the length to which he can spin out the documents which he prepares.

Now, the natural result of such a system is, that, as legal practitioners must obtain something like a proper remuneration for their services, they are compelled, in cases where the scales do not afford sufficient recompense for the real and necessary work, to charge at the highest rate which the scales permit for work that is merely formal and mechanical, and even to do a great deal of work which is unnecessary, but which the scales allow them to charge for. As Lord Brougham justly observed, in his great speech on law reform in 1828—"The necessary consequence of not suffering an attorney to be paid what he ought to receive for certain things is, that he is driven to do a number of needless things which he knows are always allowed as a matter of course; and the expense is thus increased to the client far beyond the mere gain which the attorney derives from it." The propriety of attorneys remunerating themselves in this manner has been frequently sanctioned by the Courts; and there can be little doubt that it is inseparable from any system of fixed fees resembling that which now prevails. But the evils of such a mode of obtaining adequate remuneration are enormous, leading, as it does, to an immense deal of unproductive labour, and affecting injuriously the administration of justice, and the whole of our legal proceedings. Its obvious tendency has been to make the law one great Circumlocution Office. Prolix and unintelligible documents, complicated procedure, useless copies, superfluous attendances, formality upon formality, and step after step, tending to increase the law's delay, are its necessary results. For all this the profession is commonly blamed; but the real cause is the injurious mode of remuneration which obtains, under which it may be very safely asserted that the profession suffers as much as the public. Undoubtedly the views and sentiments of lawyers have been in a great measure accommodated to the system, or rather generated by it, and they are seldom aware how opposed it is to all sound economical principle, and to their own real interests. It cannot be doubted, however, that the existing system of remuneration tends to lower the status of the profession, and to deprive it of many of its most valuable functions. With the vast and complicated system of jurisprudence which necessarily arises from the present state of society in this country, the most important social advantages would be derived from a greater facility in obtaining legal advice. But under the existing system of remuneration men are repelled from the lawyer's office, except under the pressure of necessity. There can be no question, that much of the unwillingness to consult lawyers which undoubtedly exists, arises from a feeling of insecurity as to the consequences of such a step, and from the dread of litigation, which lawyers are considered as having an interest in encouraging. If attorneys were remunerated in such a manner that their profits were clearly derived from their real services, this feeling would cease, and the relation between a most important body of men and the public be altered for the better.

The attempt to regulate the wages of labour has been long abandoned as unsound, and no principle of political economy rests on a more firm basis than that which condemns all interference with the natural relations between employers and employed. There is no sufficient reason why the profession of the law should be made an exception to what has taken place in other employments. Attorneys do not enjoy such a monopoly as makes it possible for them to impose their own terms on the public, but are individually subject to a competition as keen and pervading as exists in any other pursuit. As officers of the courts, it cannot be fairly considered that they should be under such strict regulations as to their charges as at present exist, and this character by no means determines the position in which they stand with reference to their clients at the present day. With regard to the nature of the work which they

have to perform, there is nothing which renders it necessary to fix by law the rate of payment; and if for any items of legal work fixed charges would be most advantageous for all parties, experience would soon ascertain, under an open system, what services were the proper subjects for such charges, and what the amount of such charges should be. Under such a system the market value of the services of an attorney would as easily ascertain itself as in the case of any other employment where skilled labour is required; and the mode of payment, whether by a per-centage or otherwise, would speedily be determined on obvious considerations of convenience. Nor would the public, when they had once the remuneration of attorneys in their own hands, fail to acquire a much more adequate notion of the true value of legal services than is commonly possessed under the existing system, of which the object seems to be to hoodwink the client as much as to tie up the hands of the attorney. If the matter were put on a proper economical basis, it may be safely asserted—looking to principles which are found operative everywhere else—that the client would get more for his good money and the attorney be better paid for his real services.

Nothing, indeed, can be more delusive as a protection to the client than the present system of taxation. "So far," said Mr. Lake, an eminent solicitor, in his examination before the Chancery Commission, "so far from the taxing of solicitors' bills affording any protection, a knave can make out a better bill than an honest man. I will undertake to say that a knave might make out a bill that no taxing-master could touch." And so it is sure to be in every case where an artificial mode of payment is introduced instead of the natural one. The strict limitation of charges, and the appropriation of them to certain items, which was intended for the security of the employer, is the very best device in the world for running up long bills and making overcharges safely. Whatever danger there might be under an open system, where a knave had a fool for his client, the evil would be small indeed in comparison with that arising from the present mode of remuneration, which in all cases affords the strongest temptation to take advantage of the client and the likeliest means of doing so.

An approximation towards a better system has already been made in Scotland, where conveyancing business is paid for by a per-centage on the value of the property dealt with. This is certainly a much more rational mode of paying for such business than according to the mere length of the deeds. As the legal agent in Scotland has thus no motive in such a case to go one hair's-breadth beyond what is strictly necessary, it is understood that agreements are frequently made for the performance of the work at a lower rate than that sanctioned by law. And this would, no doubt, be very commonly the case in every branch of legal business under any system which properly remunerated the attorney for his real and necessary services, and which allowed him to aim at expedition and conciseness. In some of the States of the American Union the remuneration of attorneys is left entirely open, and there the system of agreements has been generally adopted, and has been found to work most advantageously for all parties.

Unquestionably a system entirely open, under which everything would find its proper level, and every service its proper price, would ultimately prove the most complete remedy for the evils of which the public has long complained, and under which the profession has deeply suffered. But inasmuch as the adoption at once of an entirely new system might lead to much temporary inconvenience, and, perhaps, to some serious evils, something in the nature of a compromise might be most practically beneficial. It is submitted therefore—

First, that in all cases where an agreement with reference to remuneration has been entered into between an attorney and his client, such agreement should be binding on the latter, as well where the amount exceeds as where it is below what would be allowed on taxation, unless he can show fraud on the part of the attorney.

Secondly, that the scales of costs for the different kinds of legal business should be formed on the principle of properly remunerating the attorney for his real services, and of paying him for what is merely mechanical and formal at its strict value.

Lastly, that large discretionary powers should, in all cases, be given to the taxing-masters, with reference to the real value of the services rendered, and the responsibility incurred.

A system of remuneration based on these general principles would, without violently disturbing existing interests by its novelty, remedy most of the evils which now press both on the public and the profession.

DEATH OF CHIEF JUSTICE EUSTIS

We take the following obituary of the late Chief Justice of the Supreme Court of Louisiana from the *Monthly Law Reporter*, published at Boston, United States. This short notice of the life of so distinguished a man does not, we are informed, in the least exceed his merits:—

George Eustis was born in Boston, on the 20th of October, 1796, and was the son of Jacob and Elizabeth Gray Eustis. He received his education at the Boston schools and at Harvard College, where he graduated in 1815. Although a good scholar, he neither sought nor gained very high college honours, resembling in this many other eminent lawyers, whose rank in college was reversed by their rank in life. Among his classmates were Professor Parsons, Dr. Palfrey, and President Sparks. With the former he formed a college friendship which continued through life.

Soon after graduating he accompanied his uncle, Governor William Eustis, who was at that time appointed minister to the Hague, as his private secretary, and it was while residing at the Hague in this capacity that Judge Eustis began the study of the civil law, which he afterwards practised and administered with so much success.

On his return from Europe, in 1819, he went to New Orleans, then almost a foreign city, and after completing his professional studies there, began the practice of the law. The bar of New Orleans had at this time a high reputation for learning and ability. Judge Eustis's success was, however, rapid and complete, and was due entirely to his learning and mental vigour, and not to the use of any of those arts of the advocate by which rapid success is often gained. Clear, direct, logical, and sensible as a speaker, he was soon known as a thorough lawyer

He held successively the offices of Attorney-General, Secretary of State, President of the Board of Currency, and in 1839 was appointed Judge of the Supreme Court, but resigned that office in the following year to travel abroad—not, however, until he had shown a capacity for its duties which made his loss felt.

In 1846, when the Supreme Court of Louisiana was reorganised under the new constitution of that year, Judge Eustis was appointed Chief Justice, and continued to hold the office during the existence of that constitution; but when, in 1853, the new constitution provided for the election of judges by the people, he retired from the bench, and declined to be a candidate for election, because he was unwilling to hold the office by the new tenure. He had used his influence against this change in the tenure of judicial office, and the event has more than justified every fear which he then expressed.

The objection to this change in the mode of choosing judges does not seem to be so much that the people cannot be trusted to make the choice, as that the selection is in fact put in the hands of irresponsible party-leaders, and the office made the prize of political ambition, or a reward for political service. But the larger objection is, that the judge who holds his office at the popular will, loses his independence and firmness at every time of popular excitement, and is so fettered by the tenure, that he is least free and most weak when freedom and strength are most needed. The practical working of this provision for the election of judges by the people has furnished a new and unfortunate illustration of the old and always unsafe maxim, "*Communis error facit jus.*"

Judge Eustis returned to the bar, and entered at once upon a very large practice, furnishing a striking instance of, what is so rare, a second success as a lawyer, after remaining many years upon the bench. This success was undoubtedly due to his great mental and physical vigour, which remained unimpaired by age or disease up to the time of the illness, which resulted in his death at New Orleans on the 22nd of December last.

This outline of Judge Eustis's career is all that we can give; and, indeed, the life of a successful lawyer has so little variety of incident, that more is perhaps unnecessary. Judge Eustis was a lawyer to the exclusion of every other pursuit. He had no taste for politics, and never attempted to gain political honours. Indeed, one of his great merits as a lawyer was his indifference to applause or public opinion, and his devotion to law as a science. He knew little of a case, except the law o it, but that he knew thoroughly.

It is to his career upon the bench, however, that we must look for the full illustration of those qualities which give Judge Eustis a claim to a high place among the jurists of this country. He united, in a very rare degree, integrity, fearlessness, and an intuitive sense of justice, with a thorough and profound knowledge of the law, and an absolute independence. His adminis-

tration of the law was therefore full of dignity and impartiality, and his keen intellect and abundant learning give an authority and value to his judicial decisions, which entitle them to the highest respect. He was accustomed to refer to the reports of those decisions as containing the only evidence which would remain of his culture and training, and many of the decisions are models of the clear and concise exposition of legal principles, and show extraordinary power of logic and statement. Questions of a political and popular character are treated as if they involved no such considerations, and as if their decision would have no wider results than upon the case actually decided.

But how few traces of the best part of a judge's usefulness can be preserved. The constant and silent influence of character; the trained sagacity which seizes upon the true principle of a case, and with ready learning applies and enforces it, and which enables a presiding judge to despatch business rapidly, and to give to the parties a certain remedy, promptly and without delay,—these are not recorded. It was his impatience of delay and of long and useless discussion, which led Judge Eustis, at times, to go perhaps too far in repressing discussion. This was a fault, if it be one, which he shared with Chief Justice Parsons, and which could not but make him somewhat unpopular. But promptness, self-reliance, and inflexibility are such infrequent judicial virtues, that we can pardon their occasional excess.

Although Judge Eustis was always devoted to the law, and had few interests outside of the profession, yet he was a gentleman of general culture and accomplishment, and in social life he had great power. His fine manners, great fund of conversation and anecdote, his humour, practical sagacity, and common sense, made him a most agreeable and entertaining companion. But his chief excellence undoubtedly was, that he was always devoted to the study and practice of the law as one of the first and noblest of human sciences; and it was to this science that he gave all his best powers. He was a lawyer who respected his profession, and who had cultivated and trained his legal reason until he attained an almost unerring sense of justice, which is the best result of legal study.

The writer recollects a very striking conversation about three years since with Judge Eustis, which suggests the same idea of the true strength of a lawyer. The name of a distinguished man, then filling a high official station, having been mentioned, Judge Eustis was asked whether he was a "good lawyer." Judge Eustis turned, and with great emphasis replied, "A good lawyer! No, sir; no man can be a good lawyer who has not a nice sense of what is true, honourable, and right. Law is a science of approximation; but approximation to what? To what is just, true, and right. Now, in the treatment of a legal question of any difficulty, where the lines are not plainly drawn, where is the man who has no correct appreciation of these? He is completely lost. If you could add to his ability, application, learning, and power, this sense of justice and right, what a man he would be!"

We are sorry to give so faint a picture of one of whom our recollections are so vivid and agreeable; but his presence and conversation cannot be recorded, and must be trusted where they will live—in the memory of his friends. He will be remembered and honoured as a judge who, in the words of our own declaration of rights, was "as free, impartial, and independent as the lot of humanity will admit."

Lord Campbell on Marriage with a Deceased Wife's Sister.—Lord Campbell writes to the *Scotsman*, regretting that his judicial duties on the Midland Circuit prevented his being present at the debate in the House of Lords on the second reading of the Bill for legalising marriages between widowers and the sisters of their deceased wives. His Lordship says:—"I should have been proud during the debate to have proclaimed the abhorrence with which almost universally this innovation is viewed in my native country. Although Scotland was not included in the Bill, Scotland did well to petition against it: for an additional objection to it was, that it proposed to establish a different law as to the essentials of the marriage contract in different parts of the United Kingdom; and if the Bill were to pass, Scotland could not long maintain her existing cherished law against incestuous marriages, which I believe to be agreeable to Scripture, which is sanctioned by the Confession of Faith, and by a Scottish Act of Parliament, and which is so highly conducive to the purity and happiness of domestic life."

The Provinces.

Bristol.—*Death of Joseph Grace Smith, Esq.*—It is with much regret that we have to record the decease of the above much-respected gentleman, who expired at his residence, Winkfield-house, near Trowbridge, on Saturday last, in the 71st year of his age. Mr. Smith was formerly well known in this city and neighbourhood, as the leader of our local bar. He was a man of undoubted ability, an excellent lawyer, a good advocate, and, what is more, of the highest sense of honour. For many years he was judge of the Bath District of County Courts, the duties of which he discharged to the satisfaction of all. Mr. Smith was son of the late Joseph Smith, Esq., and brother to Nathaniel Smith, Esq., the eminent surgeon, of Clifton, and he was the father of Mr. P. A. Smith, now practising as a barrister in this city.—*Bristol Mercury.*

Liverpool.—*Jurisdiction of the Court.*—T. S. Perrington, second officer of the U.S. ship "Samaritan," was charged with having assaulted William Campbell, a coloured seaman on board the same vessel, and done him grievous bodily harm. It appeared that, according to the Ordnance map, the spot where the ship was said to be lying at the time the assault was committed was at least 600 yards on the Cheshire side of the county of Lancaster. His Lordship, therefore, ruled that the case did not come within the jurisdiction of the Court, and directed the jury to acquit the prisoner, who was then discharged.

Manchester.—We learn that there are upwards of one hundred designs for the proposed Manchester assize courts sent in to the committee appointed to decide upon the respective merits of the candidates.—*Manchester Examiner.*

The Landed Estates and Registry Bill of the Town Council.—A notice had been placed on the paper, by Mr. Janion, in reference to this Bill, which, in consequence of the dissolution of Parliament, is not likely to be proceeded with.—The Town Clerk explained that such a Bill would operate dangerously in Manchester, where there was a large number of chief-rents. The Solicitor-General had pointed out the difficulty, and the promoters could not suggest a remedy for it. The owner of property upon chief land might register his property as free from chief, and if the owner of the chief did not enter a caveat, he might be deprived of it. The Council could therefore scarcely allow such a Bill to pass that would have such results.

Norwich.—*Payment of Witnesses.*—The Lord Chief Baron, in summing up in a charge of rape, made the following remarks:—A policeman, who might possibly have given important evidence in support of this charge, has not been here to give that evidence. He lives at a considerable distance from this place, and it is said that the present scale of allowances made to witnesses in criminal trials is wholly inadequate to insure their attendance. I allude to this in order that these remarks may reach the ears of the Secretary of State. I wish what I now say to be heard beyond the precincts of this court. Complaints have been loud and general, and, I believe, well founded, not only all round this circuit, but on others, that the expenses allowed to witnesses are not sufficient to ensure the due administration of justice. Crimes remain unpunished because prosecutors and witnesses will not put themselves to the expense of coming, the allowance made to them being wholly inadequate. If an application had been made to me in this case, I would have made an order for the attendance of the policeman.—The prisoner was convicted of the offence, and sentenced to penal servitude for fifteen years.

Yorkshire.—*Payment of Witnesses.*—The General Quarter Sessions for the West Riding of this county was held on Monday last. The Hon. Edwin Lacelles took the chair, supported by a numerous attendance of magistrates. The Rev. J. A. Rhodes stated, that, with reference to the rules and regulations recently prepared, relative to the allowances to prosecutors and witnesses in felonies and misdemeanours, in the latter end of 1857 a good deal of anxiety was felt upon this subject, and the Police Committee were instructed to make out a scale of fees, such as they thought would be acceptable and useful to the county. They did so, and after it had received the sanction of the Court at Wakefield, in January, it was forwarded to the Secretary of State for the Home Department for his approval. They had not since received any communication upon that proposed scale; but in February last the Secretary of State issued a printed scale. That scale was considered unsatisfactory; and, acting under an order of quarter sessions, the Police Committee made certain alterations, and submitted them to the Secretary of State. No communication was made in

reply, and at present they were bound by the printed scale which the Secretary of State had sent throughout the kingdom. In consequence of the recommendation given at the Pontefract sessions, the Police Committee entered upon the investigation of the subject, with the view of ascertaining the opinion entertained of the scale in the West Riding. Mr. Marsden, the solicitor to the Riding, and Colonel Cobb, also instituted inquiries, and it became clear that the dissatisfaction of the public was general. The Act of Parliament recognised the claims of prosecutors and witnesses, by providing for their payment and compensation when giving evidence; and as compensation was rather a loose term, it specified that the expenses should include trouble and loss of time. That referred both to witnesses and to prosecutors, and he might remind them that it was really the public, through the Crown, who prosecuted, the name of the person robbed being merely used as representing the Crown, and he was therefore as much a witness as any one else. No doubt there were persons who came forward purely as a matter of duty to the public; but this was not general; and when they considered that robberies were generally committed upon persons in the lower ranks of life, it was too much to ask that they should not only sacrifice their time and trouble, but also a portion of their expenses. He concluded by moving the following resolution, which was carried unanimously:—

That this Court do report to the Secretary of State for the Home Department, that the present scale of allowance to prosecutors and witnesses in criminal prosecutions is unsatisfactory and inadequate, and has led to the withholding and suppression of evidence on prosecutions, and to the escape of offenders from punishment.

Payment of Coroners by Salaries.—Mr. T. H. Ingham directed the attention of the Court to the feeling at present existing between the magistrates and the coroners as to the payment of the latter body. That dispute, which was most unseemly and (individually he thought) mischievous, had been going on for nearly three years. He was aware that the Court had adopted the proceedings by confirming them, and he withdrew any reflection upon the committee. By the course which had been pursued, they had taken upon themselves to dictate to the coroners in what cases they should hold inquests. It had been alleged, as a reason for the alteration which had been made, that inquests had been monstrously multiplied of late years in the West Riding, which he denied. No doubt economy was at the bottom of this alteration, but like the economy in the fees of witnesses, it was very questionable in its results. This system was degrading the office; and he read the letter of Mr. Baker declining to be put in nomination for the vacancy in the coronership of Middlesex, on the death of his father, because of the interference of the magistrates, to show that it was ceasing to be an object of ambition to honourable and independent men. It might be urged, he said, that if coroners were paid by salaries, they would not discharge their duties so efficiently, but such an argument was an insult to gentlemen of their character and position. He concluded by moving—

That it is desirable to pay coroners by salaries instead of fees; and that a memorial to the Secretary of State be now adopted expressing that opinion, and requesting that the Government will be pleased to take the matter into consideration.

The motion was carried with only two dissentients.

It was also resolved, that the Michaelmas Quarter Sessions now holden at Knaresborough be discontinued, and the business transacted at Leeds.

Ireland.

TRUSTEESHIP—AS IT IS, AND AS IT SHOULD BE.

The difficulty of inducing eligible persons to accept the troublesome and responsible position of trustee is increasing, and is becoming an evil of magnitude. Family arrangements and testamentary dispositions are constantly delayed or thwarted, in consequence of the natural unwillingness of all men of sense and discretion to subject themselves to the operation of all the complex and perilous rules from time to time laid down by the Court of Chancery for the guidance of trustees. Were even those rules and principles plainly and succinctly stated, so that a knowledge of them could with moderate labour be acquired, the grievance might be more tolerable. But as it is, they can only be hunted out and extracted from among piles of treatises and reports—some of them from the conflicting decisions of equity judges, some of them even from mere dicta of perhaps doubtful authority. That men should be unwilling to accept such a laborious, and even dangerous post as that of trustee, in cases where the trusts are numerous, and promise to be long continuing, involves no imputation on their good-natured generosity. Many a man is willing enough to undertake hard work gratuitously, where he is able beforehand to estimate the amount, and all the consequences of it. But the trustee cannot do so; he cannot even be sure that his own affairs will not, after his death, as well as during his life, be complicated by his connection with the trust. A Chancery suit, and an adverse decree, cannot be rendered an impossible result, even by the exercise of any amount of care and forethought. To be perfectly safe, the trustee must have a superhuman accuracy and attention, and a vast knowledge of law, or must be under the guidance of professional advisers, who are fortunate enough to be always quite right in their conclusions. We firmly believe that, were some of the severest of the doctrines of the Court of Chancery publicly understood, no persons would consent to act as trustees, except in the most simple cases; and trusts would then have to be administered by the Court itself, or not at all.

The maxims acted on by the equity judges in dealing with trustees must be regarded as based upon a kind of optimism, quite inapplicable to the affairs of daily life. Every trustee is expected not only to know perfectly a most difficult branch of jurisprudence, but to bestow upon his charge an amount of care and labour greater than any that he would ordinarily bestow on his own affairs. He must, for example, invest on certain securities, and must avoid other securities, even though he consider some of them perfectly safe. He must in some cases change the very securities selected by his settlor or testator, and he will be liable for any loss sustained through what the Court regards as an improper investment; and, worst of all, if a loss accrue on one such transaction, and a profit on another, he cannot set off the one against the other—the rule being that all profit belongs to the trust estate, while all loss must be borne by the trustee. Another hardship is, that it is not accepted as an excuse that the trustee acted in good faith, and was fortified in the course he took by the advice of counsel. Finally, however large be the property entrusted to his care, and however onerous and troublesome his position, he is allowed no remuneration for his labour and loss of time. If he be a solicitor, he can charge the estate with costs out of pocket only; or if he be one of a firm of solicitors, and that firm transacts business connected with the trust, costs out of pocket only can be charged.

That this state of things calls imperatively for a change, few can doubt. The nature of the alterations will be more liable to dispute. There is admittedly some danger in relaxing those strict rules which compel trustees to fulfil their duties at once carefully and gratuitously. But there is before us but a choice of evils; and the greatest possible evil is that which is now existing and daily augmenting—a state of the law which renders prudent men unwilling to become trustees.

A proposition has been recently renewed—for it is not quite a new one—to have an official trustee appointed by statute. But it has been well shown* that the plan is an impracticable one, and would, if adopted, do nothing towards removing the real difficulties which beset the question.

About two years since, a Bill was introduced by Lord St. Leonards to amend the law relating to trustees. It was a far better attempt at legislation than any that had previously emanated from that eminent authority; and the question is, Why it was not proceeded with? An outline of it is given on page 175 of the "Handy-book," and the only amendment there required, as far as we can judge, is one protecting the trustee, who acts bonâ fide, on the advice of any counsel practising in the Courts of Equity. The monopoly of the six conveyancing counsel not being one which requires extension.

But this abandoned scheme, excellent as far as it goes, stops short of allowing the trustee any recompense for his expenditure of time and pains. A proposition lately made, albeit one to which Lord St. Leonards would strongly object, to enable the Court to fix a remuneration for the trustee, whenever the settlor or testator has omitted to do so, appears to be a most excellent one, and our present object is to remind solicitors of it; and also to remind them that this question is one which it is important to keep before the attention of the Legislature, with a view of passing such a measure as may enable them to bring their superior knowledge and fitness for the office into more general use. For what does the peculiar training of a solicitor fit him if not for the discharge of administrative duties requiring exactness, aptness for business, and a knowledge of the rules of equity? and yet by

* Solicitors' Journal, vol. iii. p. 361, ante.

the operation of this honorary crotchet, solicitors are, to a great extent, excluded from the management of trusts.

The true solution of the difficulty is, then, to be found in a measure which shall embody the trustee-protection clauses of Lord St. Leonards' Bill, and also shall enable the Court of Chancery to sanction the professional employment of solicitors in the management of trust estates. From the last-mentioned change in the law one indirect result would be gained, and one of no small importance. The remuneration to be fixed by the Court should be a per-centage, having regard not only to the extent of the trust property, but to the trouble and skill required for its management. This would be a rational mode of assessing the value of professional services; and its introduction would sooner or later put an end to the present system of payment by the length of documents, with all its incongruities and absurdities. The employment of solicitors as trustees, on a rational scheme of remuneration, would be, in political phrase, the "small end of a wedge," from which a total change in the system of professional payment would be nearly certain to result. But reverting to the direct and immediate consequences of the change proposed, we doubt not that solicitors would find themselves very generally called on to act as trustees; and while this would prove advantageous to them as a class, it would prove still more so to the public at large, who would appreciate the advantages of the change of system. At present it is hard enough to induce any one to become a trustee, and almost impossible to procure the services of a thoroughly competent and able man. The only effectual remedy will be the relaxation of the stringent rules of equity, so far as to protect the honest trustee, and, combined with this, such a scheme of remuneration as will secure the services of the most thoroughly eligible men who could be found to discharge the duties of the office.

LANDED ESTATES COURT.

William C. E. Dobbs, Esq., Q.C., M.P., has been appointed one of the judges of the Landed Estates Court, in the room of the late Judge Martley. This appointment will, we make no doubt, give equal satisfaction to the profession and the public. Mr. Dobbs is a barrister of twenty years' standing, has had vast experience on questions of title, and is, therefore, peculiarly fitted for the situation to which the Lord-Lieutenant has just appointed him. The new judge is a distinguished scholar, and a man of bland and courteous manners, and is, in fact, in every way qualified for the high office to which his merits have raised him. By the elevation of Mr. Dobbs to the bench, a vacancy occurs in the representation of Carrickfergus, for which borough Mr. Dobbs was returned at the last general election, in opposition to Mr. Macdonogh, Q.C.—*Mail.*

The Phœnix Society.—The conduct of the Crown in setting aside every Catholic, when a jury was being empanelled to try the prisoner Daniel Sullivan, has excited, as was natural, a very strong feeling of indignation amongst the inhabitants of this town. The position of the jurors who were thus summarily ordered to "stand by"—all of them being men of the highest respectability—has led to the conclusion that their religion formed the sole ground of their exclusion. The result is felt deeply by every Catholic who has been made acquainted with it, and by none more so than by the jurors who were made the objects of this unwise proceeding. So strong is the feeling on the subject that a requisition is now in course of signature for a county meeting to protest against the conduct pursued by the Crown. We understand that this requisition has already been signed by all the Catholic clergy and by a large number of the Catholic gentry in the neighbourhood of Tralee, Killerglin, and Miltown.—*Freeman's Journal.*

Death of John Cusack, Esq.—We regret to have to announce the death, on March 25, at his residence, Roscommon, at the age of 60, John Cusack, Esq., solicitor, grandson of Andrew Cusack, Esq., of Philpotstown, county Meath, and of Rockfield, county Roscommon. For many years deceased had been a leading member of his profession, and had been professionally connected with many of the most extensive landed properties in this country. While he always continued to enjoy the love and blessings of the poor, he had been through life deservedly respected by the members of the bar as well as by his own profession, and had been held in high and just esteem by the noblemen and gentlemen of the county. His experience in public affairs, and his conciliatory manners, rendered him also a very useful member of our town council, where he always evinced a strong desire for the interests of Roscommon.—*Roscommon Messenger.*

The *Kerry Post* estimates that it will take £15,000 to cover the expense of prosecuting the whole of the Tralee prisoners.

Reviews.

A Treatise on the Construction of the Statute of Frauds, as in force in England and the United States. By Causten Browne, Esq., Counsellor-at-Law. Boston: Little, Brown, & Co. 1857.

We entirely concur in the observation with which the author of this work commences his preface, that no apology is necessary for the appearance of a practical treatise on the Statute of Frauds. A book of the kind has long been a desideratum here, and the present volume is all the more welcome for including the American decisions, as well as those of our own Courts. It is rather strange that a similar work should not have been produced long since by some English lawyer, but the fact is, that, although the statute is discussed in a multitude of works, sometimes in its bearings on real property, and at others in its relation to personal contracts, no treatise has yet occupied the position to which Mr. Browne's work aspires.

Never was a statute so mercilessly handled by judicial authorities as this same Statute of Frauds. Pushed sometimes to a rigorous severity, relaxed at others almost to nothingness, strained by courts of law, and occasionally all but repealed by courts of equity, it has become almost impossible to reduce to any intelligible principles, either the clumsy clauses of the Act itself, or the fluctuating comments of the judicial Bench. In one volume of reports we may find the most extravagant laudations of the policy of the statute; in another, we stumble upon what looks like absolute condemnation finding vent in a resolution to shuffle out of the prohibitions of the Legislature, and fritter away such meaning as the letter of the law conveys. There have always been two parties entertaining diametrically opposite views as to the wisdom of this famous statute, the concoction of which — sometimes ascribed to Hale and Jenkins — was claimed by Lord Nottingham for himself. Mr. Browne stoutly defends the policy of requiring, in certain cases, the exclusion of oral testimony, and regards the statute as a monument of profound practical wisdom. These opinions have made him a more zealous, and probably a fitter, commentator than if he had adopted more moderate views; but we cannot pretend to go along with the author in his admiration of this piece of antiquated legislation. The whole tendency of modern improvements in the administration of justice has been dead against the principle of the Statute of Frauds. The old doctrine was, that all but the most unexceptionable evidence ought to be absolutely rejected by a court of justice. Accordingly, it was thought better to go without evidence altogether than to listen to the tale of an interested person; and it was quite consistent with this notion that the proof of contracts, the nature of which opened the door to misstatements, should be restricted to documentary evidence. The modern Benthamite theory of evidence is, to admit every kind of information by which the truth may be got at, leaving it to a jury to weigh the credibility of a witness, who may have a strong interest to distort the truth, and a convenient opportunity to disguise it. The same principle, which permits a party to give evidence in his own cause, renders it equally imperative to listen to testimony, whether oral or written, though not without giving due weight to the superior certainty of documentary proof. We believe, therefore, that the repeal of the Statute of Frauds will, sooner or later, follow as the necessary corollary of the modern enactments on the subject of judicial proof. But for the present, and, perhaps, for a long time to come, a commentary on the statute is an absolute necessity for lawyers, and one which can best be supplied by a writer who, like Mr. Browne, believes in the text upon which he preaches. Of the manner in which the author has performed his task, we are glad to be able to speak in favourable terms. We miss some English decisions, which ought to have appeared in a work published in the year 1857; but some allowance is to be made in this respect for an American author, the more especially as he appears in general to have collated our cases with much diligence.

We will select one or two topics which have been a good deal discussed within the last few years as affording a fair test of the author's performance. One of these shall be that perennial source of litigation, the question, what connection between different documents is necessary in order that they may be read together as one memorandum, so as to give to the signature on any one of them the effect of bringing the whole within the requirements of the statute. This important point is discussed in the 17th chapter, on "The Form of the Memorandum"—rather briefly, but not inaccurately. Mr. Browne states the general rule, that "the mutual relation of the several writings relied upon must appear upon their face, and cannot

be established by parol evidence," and cites *Clinan* v. *Cooke*, *Bagdell* v. *Drummond*, and the most important of that line of cases. He adds this necessary qualification to the broad rule:—"It would seem, however, to be not entirely clear that, of the several writings relied upon as forming the memorandum, one must refer specifically to the other, although several of the cases state the rule in general terms to that effect." It is easy to see that Mr. Browne disapproves of this relaxation, which, to a thorough worshipper of the statute, is nothing less than flat heresy. But he states the result of the cases with great fairness. Thus we find due attention given to *Allen* v. *Bennett*, where an unsigned memorandum of sale of "8 cwt. of fine shag tobacco" was held to be sufficiently connected with a letter which, without referring to the express contract, or in terms to any contract at all, merely said, "The 8 cwt. of fine shag tobacco I wish immediately forwarded." *Johnson* v. *Dodgson* (the well-known hop case) is also stated with all fairness, although, it must be owned, very difficult to understand how the fact of two writings pointing to the same or similar subject-matter, can make them in strictness part of the same memorandum. But there is one recent decision on this point which is, perhaps, the most important of all, and which has escaped Mr. Browne's vigilance. This is *Ridgway* v. *Wharton*, where the point arose in this way:—A verbal treaty between lessor's agent and lessee for a renewed lease—then a letter from lessee asking for a draft of agreement—then an answer from lessor's agent, stating that instructions had been given to lessor's attorney to prepare a draft agreement. There was nothing in the letter to show that these instructions were in writing, but, in point of fact, written instructions had been given. It was held that the paper of instructions was sufficiently connected with the letter to be admissible under the Statute of Frauds. The case is remarkable for the vicissitudes which it encountered—first, a judgment by Stuart, V. C., that the Statute of Frauds presented no difficulty at all; next, a decision by Cranworth, L. C., overruling the Vice-Chancellor, and holding the statute not to be satisfied; finally, the decree affirmed on a totally different ground by the House of Lords, but the doctrine of Lord Cranworth, as Chancellor, repudiated by himself in the Lords, with the concurrence of the other Law Lords. A decision of the Supreme Court of the United States, very much to the same effect (*Salmon Falls Co.* v. *Goddard*, 14 How. 446) is, however, added to the authorities cited by our author, and it would not be just to condemn very severely his omission of so recent a case as that of *Ridgway* v. *Wharton*.

Another subject that will serve as a touchstone for our author is part-performance, and herein especially part-performance as regards marriage contracts. "Verbal Contracts enforced in Equity" is the heading of this 19th chapter. This is rather difficult ground for a writer who swears by the statute, the undeniable fact being, that in certain cases, where the statute would work intolerable injustice, equity has, in a round-about evasive fashion, repealed it absolutely. One branch of this equitable interference is treated of in an earlier chapter—that of equitable mortgages by deposit of title-deeds. The whole of this doctrine is a flagrant defiance of the statute in the interests of justice; and our author states it rather curtly, consoling himself with the reflection, that it has been condemned by the most eminent English judges (condemned that is in law, not in justice), and that it does not generally prevail in America. New York is said, on the authority of an assistant Vice-Chancellor, to have pronounced against it. South Carolina and Mississippi, on the other hand, follow the convenient, but rather audacious precedent of *Russell* v. *Russell* (1 B. C. C. 269), by which this inroad into the statute was made in England. Apparently in Kentucky, and clearly in formalist Pennsylvania, the strict letter of the law is obeyed. For this equitable mortgage irregularity, our author has no word of excuse, but the part-performance heresy is so well established, both here and in America, that he deems it necessary, if possible, to justify it on strict principles. He accepts Lord Mansfield's dictum, that "in cases of fraud, equity should relieve even against the words of the statute;" but he insists, at the same time, on the rather incomprehensible distinction under which that eminent and adventurous judge sheltered himself, viz. that "where there is no fraud, only relying upon the honour of the defendant, equity will not interfere." Most persons will agree with Mr. Justice Story's opinion, that the distinction is worthless, a mere refuge of the Court when resolved to do justice in one flagrant class of cases, though not bold enough to set at nought the statute in others, which were really cognate. Mr. Browne, however, holds by the orthodox distinction, and argues his case as well as it admits of being argued. Part-performance is thus reduced to a case of fraud in inducing a party to a verbal contract to prejudice himself in the faith that the contract will be kept. All this is very much in harmony with the authorities which are amply and effectively quoted. With respect to verbal ante-nuptial marriage contracts followed by acts of performance or part performance, we find all the authorities, from *Dundas* v. *Dutens*, where Lord Thurlow said, that a post-nuptial settlement reciting a verbal ante-nuptial agreement was good against creditors, down to *Lassence* v. *Tierney*, are duly marshalled and fairly commented on. But the argument would have been further strengthened if the recent case of *Warden* v. *Jones* had appeared in time to find a place in the work. The American authorities seem also to agree with the modern cases here in their tendency to repudiate Lord Thurlow's dictum.

On one point the author states the law in a manner which is certainly not correct at this time in England. It is well known that a defendant, if he admits the contract, must expressly claim the benefit of the statute by plea or answer, or else will be precluded from that defence. But the case of *Ridgway* v. *Wharton* decided that where the agreement was denied it was not necessary or proper expressly to claim the benefit of the statute. Mr. Browne, relying mainly on the case of *Skinner* v. *M'Douall* (2 D. G. & Sm. 265), leads his readers to believe that it is necessary to refer to the statute as well when the agreement is denied as when it is admitted—a conclusion which he would probably have modified if he had chanced to come across the decision which we have mentioned, and which appeared (though not in its final shape in the regular House of Lords reports) before this volume was published. This is the only material exception that we have discovered to the general accuracy of the treatise, and we have no doubt that it may be safely relied on as a correct summary of the English decisions. Of the completeness of its references to the American reports we do not venture to pronounce an opinion, but Mr. Browne has shown so much familiarity with what he must look upon as foreign reports, that we cannot have much hesitation in trusting implicitly to his account of the manner in which the statute has been construed by the courts of his own country.

A Handbook on the Law of Marriage and Divorce. By ROBERT A. PRITCHARD, D.C.L., Barrister-at-Law, and W. T. PRITCHARD, Proctor in Doctors' Commons. London: Stevens & Norton.

We have always been advocates for calling books as well as other things by their right names, and, therefore, cannot avoid objecting to the title of this work, inasmuch as it has no claim whatever to be called a "Handbook on the Law of Marriage and Divorce."

We are told upon the title-page that it contains "a digest of all the Acts of Parliament relating thereto, including the new Divorce Acts and Legitimacy Declaration Act, of proceedings in the House of Lords on Private Divorce Bills, and of the reported cases," &c., &c., all of which no doubt is quite as correct as such representations generally are. The book consists of an alphabetical digest of marriage and divorce law, and hardly anything else, except the acts themselves, and some precedents of the forms used in the new Divorce Court, to which are appended, a number of notes on practice, which might as well, or better, have been included in the digest itself. "To indicate," say the authors in their preface, "what will probably be the law of this new court, is the object of the present work. For this purpose a careful digest has been made of the Acts of Parliament constituting the court, and of all others which relate directly or indirectly to marriage or divorce; and also of the rules and principles adopted by the House of Lords on Private Divorce Bills, by the old Ecclesiastical Courts, and by the new Court itself, down to January, 1859." They tell us, moreover, that where direct precedent is wanting, "the next best guide has been furnished in the analogous cases from the Courts of Common Law and Equity." The digest also contains a number of the decisions of the old Ecclesiastical Courts, which have been taken from reports of cases and from former digests. But however useful a digest of all these cases may be, it certainly does not discuss them in the manner of a treatise, which we understand a handbook to be. Indeed, we are of opinion, that while the latter would be very useful to the profession at the present moment, the time has not yet come when there can be any profitable addition to the number of our digests on this branch of the law. Unfortunately, the system adopted by the Judge Ordinary has made it a matter of extreme difficulty, in most cases, for the learned reporters to state the grounds of his Lordship's decisions. The usage has generally been, in all interlocutory applications to the Court, for the Judge Ordinary to

decide, not upon the statement of counsel, supported by affidavits, but after a silent perusal of the latter by the judge himself. The consequence has been, that the profession is very much in the dark as to what general rules govern the practice of the Court, except, indeed, those which were published upon its original institution. There is no doubt, however, that Sir C. Cresswell has thrown out from time to time many observations which would have been a very valuable guide to any writer who desired to write a treatise on the practice of the Court. In the same way, it might have been useful to have considered the tendency of the few judgments (given after full argument), and how far they followed or modified the law of the old Ecclesiastical Courts; but no one can think that there have been a sufficient number of such judgments to warrant the compilation of a digest of them. In the work before us, certainly, there are included many of the older cases, and of the decisions of Courts of common law and equity, the latter being supposed to supply a guide by analogy to the principles and practice of the new Court. But admitting that a digest of the older cases of ecclesiastical law was a desideratum (which we more than doubt), we cannot approve of the plan here adopted, of introducing these *analogous cases* in a book professing to be a ready and trustworthy guide to practitioners. Even in ordinary text-books, where the author does little more than arrange in a certain order the marginal notes of cases and extracts from judgments, with an occasional comment, and a suggestion of approval or the contrary, there is always some ground to fear that it is unsafe to rely upon the author's compendious representations of the state of the law. It is obviously still more dangerous to place much reliance upon digests, properly so called. If this be so, what shall we say of the risk of misleading from the cursory perusal of bits of the marginal notes and judgments of those cases which are collected into a digest very much at random from other departments of the law? Let us take an example from the work before us. Under the head of "Restitution," we find the case of *Vansittart* v. *Vansittart*, decided last year before the full Court of Appeal. It is difficult to understand why it should be classed under the head where our authors have placed it, as the suit related merely to the specific performance of an agreement between husband and wife for separation. But, passing over that objection, we say that the statement of the decision, as transferred to this digest, is calculated to mislead persons as to the rule of courts of equity in suits for specific performance. The ground of the unanimous judgment of the full Court was, that the agreement in question contained provisions as to the custody of children, which the Court would not give effect to by its decree. The Lord Chancellor (Lord Chelmsford), no doubt, made some observations about the distinction which the Court drew in cases of specific performance between mere agreements and deeds; but the plain duty of text-writers certainly required that, if they laid any stress upon this case as an authority, they should at least have considered whether these obiter dicta of the Lord Chancellor ought to be rejected, or, if received, with what limitations or comments. A consideration of *Walrond* v. *Walrond* (7 W. R. 33), the next case in the digest, would have shown that V. C. Wood was not disposed to accept these dicta as law. Nor, in a book professing to treat of principles, ought all the contradictory decisions of former judges to be passed over in silence. Thus, we are told, without further explanation, that "confession is a species of evidence which, though not inadmissible, is to be regarded with great distrust" (p. 4, pl. 27), in support of which proposition two cases are cited; while, on the very next page (pl. 29) it is said, on the authority of Lord Stowell, that "confession, if voluntary, ranks high, perhaps highest, in the scale of evidence." In the face of such a conflict of authorities, an author who aims at producing anything beyond a mere digest, ought to address himself to a discussion of the principle at issue, and attempt, if not to reconcile the contradiction, at least to show which view is right. We must content ourselves with one more illustration on this head. In this "Handbook," *Crewe* v. *Crewe*, (3 Hagg. 128), is cited p. 23, pl. 2, to the effect, that witnesses shall be required to depose to their impression and belief, whether adultery has been committed or not, although the Court cannot rely on such opinion; while (p. 6, pl. 45) no attempt is made to reconcile this proposition with an opposite one of Lord Stowell's in *Elwes* v. *Elwes* (1 Hagg. Con. 278). On the contrary, his Lordship's words are given, without comment, as follows:—"It is the business of witnesses to relate facts, and not to draw inferences, and it would be a monstrous proposition to assert that the merits of a case involving a charge of adultery were to depend, not upon the narrative, but upon the logic of the witnesses."

Having said so much on one side, it is with pleasure that we turn to a more agreeable duty. If our authors had only given us the collection of precedents and practical notes which their volume contains, we should have been prepared to have awarded them almost unqualified praise. As it is, we have no doubt that the profession will feel greatly indebted to them for this part of their work. The forms given are not only those which were issued under the authority of the Court; many others, of a very useful character, have been added, and will be invaluable to solicitors who desire themselves to attend to this new branch of business. The cases in the notes are not merely those which have been published in the various legal periodicals, but include a number of others, apparently from a private source: probably they have been noted in court by the authors themselves. Some of the latter cases, however, are not always as accurate as might be desired. For instance, in *Keats* v. *Keats & Montezuma*, p. 249, pl. 46, we are told that, certain evidence not having been alleged in the petition, could not be received at the hearing. The gentlemen who compiled the volume before us no doubt are well aware that the rules of pleading common to all our courts forbid that evidence should ever be pleaded. They ought to have known that the Judge Ordinary, in *Pyne* v. *Pyne* (6 W. R. 507), expressly laid down this rule for his own Court, even in cases where it might be necessary to state upon the pleadings particular circumstances. Indeed, the authors themselves, in the previous note, cite *Boddy* v. *Boddy & Grover* to show that, where a petition charged adultery on a certain day, and also in four consecutive months, the petitioner could not be obliged to amend his petition by giving the dates of the other acts of adultery charged—a decision which proceeds upon the same principle as *Pyne* v. *Pyne*. Notwithstanding such trivial inaccuracies, however, we repeat that Messrs. Pritchard have made a very useful addition to our already large array of handbooks and handy-books, by the publication of the collection of precedents and notes on practice, which are contained in their "Handbook on the Law of Marriage and Divorce."

The Election Manual for England and Wales, with Explanatory Notes, Forms, and Precedents. By CHARLES EDWARD LEWIS, Solicitor. Second edition. London: Shaw & Sons.

A new edition of Mr. C. E. Lewis's well-known book on election law enables us to place before our readers, in a compendious form, a few hints that may be useful at the present juncture. The fact that it has already reached the second edition shows that Mr. Lewis's labours have not been unappreciated by the profession; and at the same time makes it unnecessary for us to enter into any detailed criticism on the manner in which they have been accomplished. We shall content ourselves, therefore, with a few extracts, which will give a fair notion of the work itself. And first, as to the powers and duties of the election auditor, Mr. Lewis tells us:—

> That they are confined to paying the claims admitted by the candidate, and tendering any sums authorised by the candidate in respect of disputed accounts. He has no jurisdiction or power to reject any bills as illegal, unreasonable, unnecessary, or as improperly incurred. The whole scope of the statute is nothing more than to make the election auditor keep a register of the candidate's expenses. It is clear that he would have no right to say, "I consider a particular payment illegal," and refuse to pay it, or sanction it.
>
> The only words in the statute tending to throw a doubt upon this view are to be found in the 26th section, referring to expenses which "shall not have been allowed or paid," and the 21st section, which prevents a candidate compounding or settling, or confessing judgment in any action for expenses, without the auditor's consent.
>
> It would be doing violence to the rules relating to the interpretation of statutes, to contend that these few words inserted in the clause requiring the publication of the accounts, give the election auditor authority and direction to disallow any payments he may think illegal.

The appointment of one or more general agents other than for the purpose of paying election expenses, may take place before or at the nomination, or afterwards. On being appointed, he is to sign a declaration:—

> But (says Mr. Lewis) the statute is silent as to what he is to do with the declaration when made. For aught that the statute enacts, he may destroy the declaration directly after he has made it. But the reasonable inference from the provisions of the statute would lead to the view that it would be proper for him to hand the declaration to the election auditor.

The first part of the work includes, in addition to the chapters on the election auditor and agents, a chapter on the returning officer, the candidate, and the electors. Part II. relates to the procedure at elections—the nomination, the poll, the return, &c. Part III. treats of the law relating to offences in connection with elections. The following is from the chapter on the illegal payment of expenses:—

> This is a new offence, created by the Corrupt Practices Act. Some expenses are essentially illegal. Others are made illegal unless paid and discharged in a particular way. The providing cockades, ribbons, or other marks of distinction, by a candidate or any person, to or for any voter, or

any inhabitant of the place for which the election is held, is illegal. It will be seen that it is not by any means illegal to wear colours or cockades; but neither a candidate nor any other person can provide and pay for any such badges of distinction to or for any voter. It is still in the power of any ardent and enthusiastic supporter of a "blue" or "pink" candidate to dress up himself entirely in the magic colour if he should think fit. For every offence a penalty of £2 is incurred. The payment of any money on account of any chairing, or for any band of music, flags, or banners, is made illegal, and would be so whether made by the candidate or any one else. The above prohibitions are to be found in the 7th section.

By sect. 18, all payments not made through the election auditor are declared illegal. The exceptions are to be found in the 22nd, 24th, 25th, and 31st sections. They are as follows:—

1. Personal expenses of any candidate, and expenses of advertising.
2. Expense relating to registration of electors, and subscriptions and contributions bonâ fide made to or for any public or charitable purpose.
3. Payments made under judgments against the candidate. (See 20th sect.)
4. Payments made by the candidate and his agents for election expenses, both before and after the nomination, in respect of matters fit and proper to be paid in ready money.

All these payments may be made by the candidate or his agents, but he is to give an account of them to the election auditor.

Societies and Institutions.

LAW AMENDMENT SOCIETY.

At a meeting of this society, held on Monday last, the report of the Bankruptcy Committee on the Lord Chancellor's Debtor and Creditor Bill, and Lord John Russell's Bankruptcy and Insolvency Bill, was considered.

It was agreed that the resolutions proposed by the committee should be taken seriatim.

Mr. HAWES moved that the first resolution—"That it is expedient to diminish the present expense of proceedings in bankruptcy"—be adopted. He said, an unfair distinction had been drawn between the expenses of the administration of bankruptcy in England and under the new law in Scotland. In England it was said to amount to from 35 to 40 per cent. of the assets, and in Scotland to 12½ per cent. In Scotland there had only been 104 estates administered, 101 of which had been wound up by consent, and only three by the compulsory powers of the Act; and there could, therefore, be no fair comparison. In England there were two sources of expense which no one could defend. There was, first of all, five per cent. for court fees; then there were brokers' and messengers' fees, which amounted to 8 or 9 per cent. No one could defend a system by which the messenger of the court received emoluments equalling, and in some cases exceeding, those of the judge of the court. In Scotland the expenses of the assignee were 4½ per cent. In England they were really below that amount. The expenses of the official assignee were not to be tested by his charge, but by the amount of money he collected for the estate. His expenses would be considerably decreased if he neglected the collection of the small debts, which were got in under bankruptcy to a surprising extent, and to a much greater extent than they could be got in by a creditors' assignee. The next item of expense was "law." In England the percentage was 8 per cent.; in Scotland, 3½ per cent.; but the two systems could not be properly compared. They all knew that in some small estates the law expenses amounted to a very large sum, and were quite independent of any action of the Court.

Mr. REED seconded the motion, and remarked, that in England a great portion of the charges classed under the item "law" went in fees to the Court. At present the charge of the solicitors, up to the appointment of the official assignee, would be about £25, of which £12 was paid to the Court for fees.

The resolution was carried.

Mr. HAWES moved that the second resolution—"That all retiring allowances, and the salaries of all judicial officers in the Court of Bankruptcy, be paid out of the Consolidated Fund"—be adopted.

Mr. HASTINGS seconded the motion.

The resolution was carried.

Mr. HAWES moved that the third resolution—"That the distinction between trader and non-trader should be abolished, and that all debtors should be liable to the same laws"—be adopted.

Mr. BLUNDELL seconded the motion.

Mr. H. F. BRISTOWE admitted that the first part of the resolution was generally considered as expedient, although he thought difficulties would arise from the difference between the cases of traders and non-traders; but, with regard to the second part, he did not see how it was practicable to apply the same laws to both. A non-trader ought not to be punished for not keeping books, nor for speculating in the funds, as a trader properly was. He therefore moved as an amendment, that the words after "abolished" be left out.

Mr. ELLIOTT was entirely opposed to the principle of the resolution. Credit was essential in commercial affairs, and a trader was necessarily in debt; but a non-trader had no business to be in debt. As, however, there seemed a prevalent desire to try what he considered the dangerous experiment proposed by the resolution, he would offer no further opposition than by simply protesting against it.

Mr. LAWRANCE said, that the term "the same laws," used in the resolution, referred to the absolute and unconditional discharge of debtors, whether traders or non-traders. He thought that if a debtor "made a clean breast of it," and surrendered all his property, he ought to go from the court a free man. If, in any case, a different course was necessary, that was provided for by the seventh resolution, which might be brought in to interpret that now under discussion.

Mr. E. WEBSTER opposed the resolution. It was impossible to deal with both classes of debtors in the same manner, except with regard to the realization of assets. He thought the resolution should be limited to that object.

Mr. LINKLATER was of opinion, that to adopt the amendment would be to take away an important part of the resolution. The great object was to get at the property of non-trader debtors with as great facility as creditors could now get at the property of traders.

The amendment was negatived, and the resolution carried.

Mr. HAWES moved that the fourth resolution—"That the present law of imprisonment for debt does not press with undue severity on the debtor, and is essential for the due protection of the creditor"—be adopted.

Mr. LAWRANCE seconded the motion. He considered, from his experience, that it would be most unsafe to abolish imprisonment for debt, as proposed in the Lord Chancellor's Bill.

Mr. BOLDEN contended, that imprisonment for debt at the mere will of the creditor ought to be put an end to, and that it should never be inflicted except for fraud, and with the sanction of the Court.

The resolution was carried.

Mr. HAWES moved that the fifth resolution—"That greater facilities than now exist should be given to creditors for obtaining adjudication in bankruptcy"—be adopted.

Mr. REED seconded the motion. He referred to what he had said on a former occasion, as to the advantage of having some proceeding more direct and efficacious than the trader-debtor summons.

The resolution was carried.

Mr. HAWES moved that the sixth resolution—"That more prompt and efficacious means than now exist should be afforded to creditors for securing the property of debtors for equal distribution"—be adopted.

Mr. PARRINTON seconded the motion.

Mr. REED stated, that mode in which the resolution might be carried into effect would be by setting aside fraudulent executions.

Mr. LAWRANCE moved that the seventh resolution—"That the Court should have power to suspend the discharge of the debtor as to personal liability, and to suspend or totally refuse such discharge as to property"—be adopted. He thought, that if all debtors were to be subject to the same laws, some provision of this nature was necessary.

Admiral SAUMAREZ seconded the motion.

Mr. BRISTOWE proposed, as an amendment, that the words "in the case of non-trader" be inserted after the word "and."

Mr. LINKLATER seconded the amendment. He could not agree with the resolution as it now stood, as nothing could be more impolitic than to keep liabilities hanging over a man who had surrendered all his property. If he had done wrong let him be punished.

The amendment was negatived, and the resolution carried.

Mr. LAWRANCE moved that the eighth resolution—"That the certificates or orders for such discharge should be classified"—be adopted. He did not say that no alteration was required as to the present mode of granting certificates, but the principle of marking the conduct of the debtor in some such way was a good one.

Mr. REED seconded the motion. He referred to the great anxiety shown by bankrupts to get certificates of a high class, as proving the advantage of the system, although he thought it might be amended.

Mr. HASTINGS was strongly opposed to the present mode of classification, and expressed a doubt whether the resolution

might not be understood to mean that the existing system should be retained.

Mr. Linklater suggested that the resolution might be improved by saying, "that a classification of certificates or order of discharge is desirable." He considered it highly important that the certificate should, in some way, mark the conduct of the bankrupt.

Mr. Elliott considered that the present system of class certificates had worked well, and that the decisions of the commissioners on this point did not differ more than those of other judges on questions of fact.

Mr. Gilmour was in favour of the resolution in its present form.

Mr. Hawes adverted to the injustice inflicted by the law before the Act of 1849, in turning all men out of the court with the same certificate. The certificates under the existing system were based on the facts presented to the commissioners, and the terms introduced were definite and precise, and clearly applicable to the three different states of facts. The want of uniformity had arisen from the opposition of the Court of Appeal to the system, and from the commissioners being thus left without proper guidance.

The resolution was carried.

The further consideration of the report was adjourned to Monday, the 18th April.

London Bridge and Charing Cross Railway.—The committee of the House of Commons (Mr. Ingham, chairman), which has been engaged during the past fortnight in considering the Charing-cross Bill, on Monday decided that the preamble had been proved, but they required clauses to be inserted in the Bill with reference to the compensation to be paid to the governors of St. Thomas's Hospital. The committee has been most painstaking in their inquiries into the merits of the case, having adopted the unusual course of personally visiting and examining the London-bridge station, St. Thomas's Hospital, the crossing of Wellington-street, the interior of St. Saviour's Church, and the Borough-market. A decision come to after so careful an investigation must necessarily give considerable confidence as to its soundness.

Singular Trial at Vienna.—A remarkable criminal process, which has been going on at Vienna for several months, has lately been brought to a close. A certain Baron Thunot, the son of a man who was formerly governor of the island of Elba, was charged with fraud by a noble officer, the son of the commander of one of the four Austrian armies. The latter, being unwilling that such a near relative should appear in a court of justice, so managed matters that the trial was carried on without his being subjected to a vivâ voce examination. The consequence of this unheard-of proceeding was, that the trial was three times interrupted, and the imprisonment of Baron Thunot unnecessarily prolonged. Dr. Berger, the counsel for the prisoner, made a masterly speech in his defence, and persons who were in court state that it appeared to produce a deep and extremely painful impression on the judges. The learned and eloquent advocate strongly animadverted on the conduct of the high military authorities, and hinted that there were two kinds of law in Austria—one for the rich, the other for the poor. "Even in France," said he, "a country in which political offenders are unceremoniously transported to Cayenne and Lambessa, the accuser is always confronted with the accused; but in this case the plaintiff and the defendant have never been brought face to face." The concluding passage of the speech, which was listened to in breathless silence, although it lasted above two hours, was:—"I confidently hope that the gates of this house will be speedily opened for the defendant. May he soon be at liberty to quit this city, and when he returns to his native country, may he be able to tell those persons who sigh at the mention of Cayenne and Lambessa, that a Frenchman can, even under present circumstances, find justice in Austria." During the trial it transpired that a girl, a ballet-dancer, with whom Thunot had had an intimate connection while he was living here en prince, had pawned almost everything she was possessed of in order that the prisoner might be able to engage a barrister of renown to undertake his defence. The evening *Wiener Zeitung* announces that Baron Theodore Thunot has been acquitted by the Criminal Court, "there not being sufficient proof of his guilt." The counsel for the Crown announced to the Court that he reserved to himself the right of appeal against its sentence, but the chances are that he will receive instructions to let the matter drop.

Law Students' Journal.

EASTER TERM EXAMINATION.

The Examiners appointed for the examination of persons applying to be admitted attorneys, have appointed Tuesday, May 3rd, at half-past nine in the forenoon, at the Hall of the Incorporated Law Society, in Chancery-lane, to take the examination.

The articles of clerkship and assignment, if any, with answers to the questions as to due service, according to the regulations approved by the judges, must be left with the secretary of the society, on or before Thursday, 21st instant.

Where the articles have not expired, but will expire during the term, the candidate may be examined conditionally, but the articles must be left within the first seven days of term, and answers up to that time. If part of the term has been served with a barrister, special pleader, or London agent, answers to the questions must be obtained from them, as to the time served with each respectively.

A paper will be delivered to each candidate, containing questions to be answered in writing, classed under the several heads of—1. Preliminary. 2. Common and Statute Law, and Practice of the Courts. 3. Conveyancing. 4. Equity, and Practice of the Courts. 5. Bankruptcy, and Practice of the Courts. 6. Criminal Law, and Proceedings before Justices of the Peace.

Each candidate is required to answer all the preliminary questions (No. 1); and also to answer in three of the other heads of inquiry—viz. Common Law, Conveyancing, and Equity.

The Examiners will continue the practice of proposing questions in Bankruptcy and in Criminal Law and Proceedings before Justices of the Peace, in order that candidates who have given their attention to these subjects may have the advantage of answering such questions, and having the correctness of their answers in those departments taken into consideration in summing up the merit of their general examination.

Under the Rules of Hilary Term, 1853, it is provided that every person who shall have given notices of examination and admission, and "who shall not have attended to be examined, or not have passed the examination, or not have been admitted, may, within one week after the end of the term for which such notices were given, renew the notices for examination or admission for the then next ensuing term, and so from time to time as he shall think proper;" but shall not be admitted until the last day of the term, unless otherwise ordered.

In case the testimonials were deposited in a former term, they should be re-entered, and the answers completed to the time appointed.

Court Papers.

Court of Probate
Court for Divorce and Matrimonial Causes.

SITTINGS IN EASTER TERM, 1859,

Saturday	April 16	Thursday	April 21
Monday	„ 18	Wednesday	„ 27
Tuesday	„ 19	Thursday	„ 28
Wednesday	„ 20	Wednesday	May 4

TRIALS BY JURY.

Friday	April 29	Friday	May 6
Saturday	„ 30	Saturday	„ 7
Monday	May 2	Monday	„ 9
Tuesday	„ 3	Tuesday	„ 10
Thursday	„ 5	Thursday	„ 12

Motions will be taken on every Wednesday throughout the Term, and the Sittings after Term. The judge will also sit in chambers on those days.

Papers for motions are to be left with the Clerk of the Papers before two o'clock, p.m., on the third day before the motion is heard, exclusive of Sundays.

The Court will sit at Westminster, at eleven o'clock, except on Wednesdays, when the judge will sit in chambers at eleven, and in Court at twelve o'clock.

The full Court for Divorce and Matrimonial Causes will sit on the 20th, 21st, 23rd, 24th and 25th of May.

At the sittings in Term the Court will hear, first, the cases in the Probate Court, and then the cases in the Court for Divorce and Matrimonial Causes.

Queen's Bench.

EASTER TERM, 1859.

ENLARGED RULES.

To the First Day of Term.

In the matter of arbitration between Charles Rogers Harris and Edwin Edwards.

In the matter of arbitration between the Burry Port Company and the South Wales Railway Company.
In the matter of arbitration between the Kidwelly & Llanelly Canal & Tramroad Company and the South Wales Railway Company.
In the matter of Richard John Saltren Robins, Gent., one, &c.
The Queen *v.* The Overseers of Hunslet.
The Queen *v.* The Local Board of Health.

To the Fifth Day of Term.

The Queen *v.* The Salisbury & Yeovil Railway Company.

SPECIAL PAPER.

STANDING FOR JUDGMENT.

Sp. Case. The Great Western Railway Company *v.* The Midland Railway Company.

FOR ARGUMENT.

Sp. Case. The Company of Proprietors of the Stourbridge Navigation *v.* The Right Honourable William Baron Ward.
Dem. Williams *v.* Hayward.
Sp. Case. Vernon & others *v.* Fisher.
Cty. Ct. Ap. Evans *v.* Waddle.
Sp. Case. Lozano & others *v.* Janson.
" Thompson *v.* The Sunderland Dock Company.
" Watson *v.* Moore.
Dem. Bevan & others *v.* The Official Manager of the Mexican & South American Company.
" Hingston, Executor, &c. *v.* Studdy.
Dem. Evans *v.* Evans.
Sp. Case. Stray *v.* Russell.
Dem. The Magdalena Steam Navigation Company *v.* Martin.
" Brushfield & others *v.* Baynton & others.
" The Unity Joint Stock Mutual Banking Association *v.* Ingledew.
Sp. case. The Mayor, &c., of Liverpool *v.* Rigby & another, Overseers, &c.
Dem. Upton *v.* Harcourt.
Sp. Case. Wise, Clerk, &c. *v.* Orton, Clerk, &c.
Dem. Childers *v.* Pallister & another.

NEW TRIAL PAPER.

MICHAELMAS TERM, 1858.

Cornwall. Lyle *v.* Richards & others. (Stands over till decision of the Court of Error in Reynolds *v.* Buckley.)

HILARY TERM, 1859.

Middlesex. Greeve *v.* Hayes, Bart.
" Norton *v.* Nichols & others.
" Harwood & another, Executors, &c. *v.* The Great Northern Railway Company.
London. Hutton, Executrix, *v.* The Waterloo Life Assurance Company.
" Hitchcock *v.* Innes & another.
" The Queen *v.* The Saddlers' Company.
" Scully *v.* Ingram, M.P.
Liverpool. Smith & others *v.* Rostron.

NEW LAW LIBRARY IN THE MIDDLE TEMPLE.—Since the foundation stone of this large building was laid, in August last, very considerable progress has been made with the works, although the walls are being all constructed of stone, and most of the windows, some of which are on a large scale, and to be filled with elaborately moulded tracery, together with all other portions of ornamental and other masonry, are to be executed in the same material. The walls are now carried up above the sills of the second-floor windows, and their embattled transoms are being fixed. The circular stone staircase at the north end is in an advanced state, and the sill of the great north window is already set. The timber roof, which, when complete, will be a fine example of carpentry, is also nearly in readiness, being in preparation at the contractor's extensive premises in the Belvedere-road, and will, we understand, be ready for fixing as soon as the walls are raised to the proper height to receive it, so that no time will be lost. We are informed that the bookcases will range all round the principal library to the height of about nine feet, above which the walls will be faced with Bath stone, brought to a fine face. The large principals of the roof will rest firmly on large moulded and enriched stone corbels, of very effective design. When completed, the new building will form one of the largest and handsomest libraries of the kind in London, in the domestic Gothic style of architecture. Mr. H. R. Abraham is the architect for the structure, and Mr Myers the builder.—*Building News.*

LANDED ESTATES COURT, IRELAND.—The salaries of the judges and officers of the Landed Estates Court, and the compensation allotted to the several retired officers of the Incumbered Estates Court, appear altogether to amount to an annual sum of about £150,000. The two principal judges have a salary of £2500 a-year each, the registrar £800 a-year, to increase at the rate of £25 a-year up to £1000. The salaries of the assistants range from £400 to £700 a-year; and there is an examiner for each judge and for the registrar, whose salary begins at £600 a-year and increases to £800.

Births, Marriages, and Deaths.

BIRTHS.

CURREY—On Mar. 31, at Blackheath-park, the wife of Frederick Currey, Esq., Barrister-at-Law, of a daughter, stillborn.
HUGHES—On April 5, the wife of Edward Trevor Hughes, Esq., Solicitor, 2 Upper Temple-street, of a daughter.
MOORE—On April 1, at the Grange House, Leominster, the wife of Henry Moore, Esq., Solicitor, of a daughter.
MORRIS—On April 1, at Clapham-park, Surrey, the wife of William Morris, Esq., Barrister-at-Law, Lincoln's-inn, of a son.
SALMON—On April 5, at 31 Lansdowne-road, Notting-hill, the wife of John Salmon, Esq., of a son.

MARRIAGES.

BARKWORTH—SMITH—On April 4, at St. James's church, Piccadilly, by the Rev. W. Hayward Cox, Prebendary of Hereford, assisted by the Rev. J. R. Byrne, Jos. Charles Barkworth, Esq., of the Inner Temple, Barrister-at-Law, to Ellen Sarah, fourth surviving daughter of Charles Smith, Esq., formerly of Monk's House, Northamptonshire, and of Tottenham, Middlesex.
BRAMPTON—NEAL—On April 5, at St. Paul's, Ball's-pond, by the Rev. — Sandys, George, second son of Mr. Samuel Brampton, of Stoke Newington, to Mary Jane, eldest daughter of the late Samuel Neal, Esq., Solicitor, of Austinfriars, City.
CLARKSON—HARRIS—On April 2, at St. John's church, Notting-hill, by the Rev. Thomas Blackburne, Eugene Comerford Clarkson, Esq., of Lincoln's-inn, Barrister-at-Law, to Emilie Jane, eldest daughter of J. Harris, Esq., of Hampstead.
DAVIS—WARING—On Mar. 31, at the parish church of Lyme Regis, Dorset, by the Rev. Reginald Smith, Rector of Stafford, William Stevens Davis, of Cerne Abbas, Dorset, Esq., Captain 15th Madras N. I., to Lucy Anna, second daughter of Henry Franks Waring, Solicitor, South Cliffe, Lyme Regis.
FRY—HODGKIN—On April 6, at Lewes, Edward Fry, of Lincoln's-inn, Barrister-at-Law, son of Joseph Fry, of Bristol, to Maria Isabella, eldest daughter of John Hodgkin, of Barcombe House, near Lewes, late of Lincoln's-inn, Barrister-at-Law.
HOWARD—WATERHOUSE—On Mar. 30, at Rusholme-road Chapel, Manchester, by the Rev. A. Thomson, Joseph Howard, of Lincoln's-inn, Esq., Barrister-at-Law, to Ellen, second daughter of Henry Waterhouse, Esq., of Highfield, Didsbury.
STUART—HALL—On Mar. 29, at the parish church of St. George's, Dublin, by the Rev. John Alcock, A.M., Robert Stuart, Esq., Advocate, and of Lincoln's-inn, Barrister-at-Law, to Nannie, eldest daughter of the late John Hall, Esq., of 49 North Great George's-street, Dublin.

DEATHS.

BOODLE—On April 8, John Boodle, Esq., of Heath Farm, Watford, and 9 Davies-street, Grosvenor-square, in his 82nd year.
CUPPAGE—On Feb. 14, at Barbadoes, Captain Adam Cuppage, aged 65, one of the Justices of the Assistant Court of Appeal of that island.
DOBREE—On Mar. 31, at Swissville, Guernsey, James Saumarez Dobree, Esq., one of the Jurats of the Royal Court of Guernsey.
GOSLING—On April 1, at Hassobury, aged 25, Cecil Mary, wife of Capt. Gosling, and daughter of Alexander Atherton Park, Esq.
SIMON—On April 6, Eleanor Serena, the wife of Mr. Maximilian Simon, of Little Moorfields, and third daughter of N. B. Engleheart, Esq., of Blackheath and Doctors' Commons.
VAUGHAN—On Mar. 30, at Presteign, of scarlet fever, Henry Beauchamp, son of Henry Halford Vaughan, Esq., of Hampstead, Middlesex, aged one year and ten months.
WENTWORTH—On Mar. 31, at St. John's-wood, William Charles Wentworth, jun., Esq., Barrister-at-law, eldest son of William Charles Wentworth, sen., Esq., of Vaucluse, Australia, in the 30th year of his age.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

CAWOOD, RICHARD, Gent., Type-street, Chiswell-street, JAMES SILKIN, Farmer, Allington, Oxfordshire, RICHARD BOTHEROYD, Gent., Beech-street, Cripplegate, and JOSEPH DIX, Victualler, Chiswell-street, £333 : 6 : 8 New 3 per Cents., and £166 : 13 : 4 Reduced.—Claimed by WILLIAM SHEFFIELD, Gent., Bathurst, New South Wales.
FITZGERALD, CHARLES, Lyme Regis, Dorsetshire, £82 : 10 : 0 New 3½ per Cents.—Claimed by Lieut.-Col. CHARLES FITZGERALD.
GORDON, Sir JOHN, Earlston, near Kirkcudbright, N.B., One Dividend on £2297 : 16 : 10 Consols.—Claimed by Dame MARY GORDON, Widow, the acting executrix.
PEPLOE, SAMUEL PEPLOE, Esq., Garnstone, Hereford, £238 : 15 : 7 New 3 per Cents.—Claimed by DANIEL PEPLOE PEPLOE, the sole executor.

Heir at Law and Next of Kin.

Advertised for in the London Gazette.

SPARVELL, SARAH, formerly of Finchampstead, Berkshire. Her heirs to apply to Messrs. Soames & Cooke, Solicitors, Wokingham, Berks.

Estate Exchange Report.

(For the week ending April 7th, 1859.)

AT THE MART.—By Messrs. KEMP.

Two Undivided Third Parts or Shares of and in Freehold Premises, Nos. 67, 68, & 69, Snow-hill; let at £230 per annum.—Sold for £1900.

By Mr. R. MOSS.

Freehold, The Malling Deanery Farm, near Lewes, Sussex, comprising farm-house, cottage, &c., and 189a. 0r. 8p. of arable, pasture, and marsh feeding land.—Sold for £7000.

By Mr. ABBEY.

Freehold Premises, No. 18, King William-street, London Bridge; let on lease for 21 years from September, 1857, at a rent of £262 : 10 : 0 per annum.—Sold for £6300.

Freehold House and Shop, No. 35, Warwick-lane, Newgate-street; let on lease for 21 years from December, 1853, at £65 per annum.—Sold for £1100.

Freehold House and Shop, 36, Warwick-lane; let on lease for 21 years from June, 1844, at £60 per annum.—Sold for £1060.

Freehold Public-house, "The Guy, Earl of Warwick," 37, Warwick-lane; let on lease for 32½ years from Midsummer, 1847, at £80 per annum.—Sold for £1850.

Freehold Houses, Nos. 1 to 7, Crown-court, in the rear of the above; let at £70 per annum.—Sold for £1000.

Freehold House, 38, Warwick-lane; let at £65 per annum.—Sold for £1000.

By Mr. J. M'Dean.

Leasehold Dwelling Houses, Nos. 29 & 30, Chatsworth-road, Forest-lane, Stratford; term, 500 years from June, 1854; ground-rent, £3: 12: 0 per annum; let at £36 per annum.—Sold for £320.

Leasehold Houses, Nos. 31 & 32, Chatsworth-road; same term; ground-rent, £4: 8: 0 per annum; let at £42 per annum.—Sold for £340.

By Mr. Atkins.

Two Freehold Houses, Wells-road, New-road, Hammersmith; annual value, £50.—Sold for £510.

Freehold Building Land, four plots, Eastdown-park, Lewisham, Kent.—Sold in four lots for £1860.

By Mr. W. Moxon.

A one-fifth part or share of and in the Freehold House and Shop, No. 18, Old Bond-street; let on lease for 21 years from March, 1852, at £300 per annum.—Sold for £1000.

By Messrs. Plews & Wall.

Freehold House, No. 12, Baker's-row, Clerkenwell; estimated value, £42 per annum.—Sold for £195.

By Messrs. Rice Brothers & Searle.

Leasehold Residence, No. 1, Norfolk-place, Albany-road, Camberwell; held for 21 years from Midsummer-day last; ground-rent, £5; let at £28 per annum.—Sold for £155.

Leasehold House, No. 2, Norfolk-place; same term and ground-rent; let at £28 per annum.—Sold for £135.

Leasehold House, No. 3, Norfolk-place; same term and ground-rent; let at £28 per annum.—Sold for £120.

Leasehold House, No. 4, Norfolk-place; same term and ground-rent; let at £28 per annum.—sold for £110.

The Lease of Messrs. Searle & Son's Boating Establishment, near Putney-bridge, Putney; held for 18 years from Christmas last; ground-rent, £20 per annum.—Sold for £310.

By Messrs. Walters & Lovejoy.

Leasehold Dwelling-houses, Nos. 21 & 22, Charles-street, Hampstead-road; also a Warehouse, in Mary-street; let on lease at £68 per annum; term, 95 years from Midsummer, 1791; ground-rents, £10: 10: 0.—Sold for £365.

Leasehold Houses, Nos. 8 & 9, Weymouth-terrace, Hackney-road; let at £49 per annum; term, 61½ years from Midsummer, 1813; ground-rent, 10 guineas.—Sold for £165.

Leasehold House, No. 22, Weymouth-terrace; let at £22 per annum; term, 63 years from Christmas, 1806; ground-rent, £4: 10: 0.—Sold for £65.

At Garraway's.—By Mr. S. Tims.

Leasehold Estate, comprising Nos. 1 to 8, Mape-street, and Nos. 1 & 2, Derbyshire-street; also the Prince Albert Public-house; the whole producing about £183 per annum; held for 92 years from Michaelmas, 1834; ground-rent, 50 guineas.—Sold for £1100.

By Mr. R. W. Glasier.

Leasehold, No. 7, Thomas-street, Notting-dale, Notting-hill, comprising house and premises, with three cottages adjoining, and a ground-rent of £7; the whole producing £69: 1: 0 per annum; term, 70 years from Christmas, 1858, at a ground-rent of £6 per annum.—Sold for £320.

English Funds.

English Funds.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	Shut.	Shut.	Shut.	223	..	..
3 per Cent. Red. Ann.	Shut.	Shut.	Shut.	94⅛	94⅛	94⅛
3 per Cent. Cons. Ann.	95⅛ ⅛	95⅛ ⅛	95⅛ ⅛	95⅛ ⅛	95⅛ ⅛	95⅛ ⅛
New 3 per Cent. Ann.	Shut.	Shut.	Shut.	94⅛	94⅛ ½	94⅛
New 2½ per Cent. Ann.	..	80	..	79½	..	..
Long Ann. (exp. Jan. 5, 1860)	Shut.	Shut.	Shut.	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	Shut.	Shut.	Shut.	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	15-16	..	..
Do. 30 years (exp. Apr. 5, 1885)	Shut.	Shut.	Shut.	17⅜ ⅛	..	..
India Stock	219	..	..	..	220	..
India Loan Debentures	98⅛ ⅛	98⅛ ⅛	98	97⅛ ⅛	..	97½ ½
India Bonds (£1,000)	14s p	14s p	14s p	..	10s p	..
Do. (under £1000)	..	14s p	..	..	14s p	14s p
Consols for account	95⅛	95⅛ ⅛	95⅛	95⅛ ⅛	..	..
Exch. Bills (£1000) Mar.	32s 35s p	32s p	35s p	..	32s 35s p	33s 36s p
Ditto June	..	..	..	..	..	..
Exch. Bills (£500) Mar.	32s 35s p	..	32s p	35s p	32s 35s p	32s 36s p
Ditto June	..	..	..	..	..	..
Exch. Bills (Small) Mar.	32s 35s p	32s 36s p	35s 32s p	32s p	32s 35s p	36s p
Ditto June	..	..	..	..	..	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds	..	..	..	..	..	..
Exch. Bonds, 1859, 3½ per Cent.	100	100	100	..	..	..
Ditto (under £1,000)	..	99⅛	..	..	100⅛	..

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	..	..	..	..
Bristol and Exeter	..	92⅜	..	..	93	93
Caledonian	82½	81 2	81½ ½	81½ ⅜	81½	81½
Chester and Holyhead	..	..	..	..	..	..
East Anglian	..	..	..	..	..	..
Eastern Counties	..	59⅜	59⅜ ⅜	59⅜ ⅜	59⅜	59⅜ ⅛
Eastern Union A. Stock	..	..	..	..	..	..
Ditto B. Stock	..	30½ 1	..	..	..	..
East Lancashire	..	92½	..	92⅜	..	92⅜
Edinburgh and Glasgow	..	..	..	..	..	..
Edin. Perth, and Dundee	..	77	..	..	..	..
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	103½	103½ 2	..	102	102 1⅜	102 1⅜
Ditto A. Stock	..	..	85½	..	..	..
Ditto B. Stock	..	..	..	..	..	..
Gt. South & West. (Ire.)	105	..	105	..	..	105½
Great Western	58⅞ 9	58⅜ ⅜	58⅜ ⅛	58⅜ ⅜	58⅜ ⅜	58⅜ ⅛
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	..	94½	94⅜ 4	93⅞ 4⅛	94⅜	93⅞ ⅜
Lon. Brighton & S. Coast	..	112⅜	112⅜	112⅜	..	112⅜ ⅜
London & North-Wstrn.	94⅜ 5	94⅜ ⅜	94⅜ ⅜	94⅜ ⅜	94⅜ ⅜	94⅜ 4
London & South-Westrn.	93	92⅜	92⅜ ⅜	92⅜	92⅜ ⅜	92⅜ ⅜
Man. Sheff. & Lincoln	38 ⅜	..	37⅞ ⅜	38⅛ ⅜	..	38⅛ ⅜
Midland	101 ⅜	101⅜ ⅜	101⅜ ⅛	101⅜ ⅜	101⅜ ⅜	100⅜
Ditto Birm. & Derby	..	75½	..	75⅜ 6	..	75⅜ 6
Norfolk	..	..	..	..	..	..
North British	58⅛	58⅛ 7⅜	58 7⅛	58⅛ 8	58	58⅛ ⅛
North-Eastern (Brwck.)	..	93⅛ ⅜	91⅜	91⅜ 2	92	91⅜ ⅜
Ditto Leeds	..	..	46⅜ ⅜	..	..	46⅜
Ditto York	..	76	76 5⅜	76½ 6	76½ 5⅞	76½ ⅝
North London	..	..	..	..	..	..
Oxford, Worc. & Wolver.	..	..	34	33⅜	34	33⅜ ⅜
Scottish Central	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	..	..	..	..	..
Do. Scotsh. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	45	..	..	..	..	..
South Devon	41⅛	42⅛	..	..	44	44 3⅜
South-Eastern	70⅜	..	70⅜	..	70⅜ ½	70⅜ 70
South Wales	..	..	..	65½	..	..
Vale of Neath	..	..	..	..	64	65

London Gazettes.

Bankrupts.

Tuesday, *April* 5, 1859.

BANASTER, George Howbeach, Tailor, Oldbury, Worcestershire. *Com.* Sanders: April 15, and May 6, at 11; Birmingham. *Off. Ass.* Whitmore. *Sol.* Bridges, 17 Temple-st., Birmingham. *Pet.* April 2.

DAY, Thomas, & Thomas Day, Ship Builders, Goole, Yorkshire. *Com.* West: April 15, and May 13, at 11; Leeds. *Off. Ass.* Young. *Sols.* England & Saxelbye, Hull; or Weddall & Parker, Selby. *Pet.* April 1.

DEELEY, Joseph, Beerseller, Alma-st., Aston, Warwickshire. *Com.* Sanders: April 18, and May 9, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Hodgson & Allen, Birmingham. *Pet.* April 2.

NEWEY, John Cooper, Pork Butcher, Wolverhampton. *Com.* Sanders: April 18, and May 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Wright, Birmingham; or Bolton, Wolverhampton. *Pet.* Mar. 31.

RAWLL, John Henry, Tailor, 139 Leadenhall-st. *Com.* Evans: April 15, at 12.30, and May 19, at 12; Basinghall-st. *Off. Ass.* Bell. *Sols.* Sydney & Son, Finsbury-circus. *Pet.* April 2.

SIMS, William Rushworth, & Arthur Rushworth Sims, Merchants, Fish-street-hill. *Com.* Holroyd: April 15, at 1.30, and May 17, at 1; Basinghall-st. *Off. Ass.* Lee. *Sol.* Reed, 1 Guildhall-chambers. *Pet.* April 1.

SLORAH, John, Lead Merchant, Kidderminster. *Com.* Sanders: April 18 and May 11, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Saunders & Son, Kidderminster; or James & Knight, Birmingham. *Pet.* Mar. 29.

WRATHALL, Stephen, Cattle Dealer, Linton, Yorkshire. *Com.* West: April 15 and May 13, at 11; Leeds. *Off. Ass.* Young. *Sols.* Weatherhead & Burr, Keighley; or Bond & Barwick, Leeds. *Pet.* Mar. 25.

Friday, *April* 8, 1859.

COLLISHAW, Robert, Grocer, Hickling, Nottingham. *Com.* Sanders: April 19, and May 10, at 11; Nottingham. *Off. Ass.* Harris. *Sol.* Preston, Nottingham. *Pet.* April 5.

COOPER, Charles Company, Carrier, 18 Little Tower-st., Nine Elms, Vauxhall, and 7 Devonshire-pl., Wandsworth, trading in copartnership with Horatio Nelson Hornby, 11 Upper Copenhagan-st., Islington. *Com.* Fonblanque: April 20, at 2; and May 20, at 1; Basinghall-st. *Off. Ass.* Graham. *Sol.* Grover, 8 Great James-st., Bedford-row. *Pet.* April 1.

COWAN, Robert, Timber Merchant, Newcastle-upon-Tyne. *Com.* Ellison: April 19, at 12; and May 17, at 11; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Ingledew & Daggett, 3 Dean-st., Newcastle-upon-Tyne. *Pet.* April 2.

FIELDER, Thomas, Grocer & Druggist, Warminster, Wiltshire. *Com.* Evans: April 21, at 2; and May 19, at 1; Basinghall-st. *Off. Ass.* Johnson. *Sols.* Roche & Gover, Old Jewry. *Pet.* April 4.

FRYER, Thomas Skeels, Brickmaker, Chatteris, Isle of Ely, Cambridgeshire. *Com.* Holroyd: April 18, at 2; and May 17, at 12; Basinghall-st. *Off. Ass.* Edwards. *Sols.* Loe, 7 Gray's-inn-square; or Cooper, Cambridge. *Pet.* April 5.

JENKINS, Sydney Dan, Ship Broker, Cardiff, in copartnership with James Nelson Knapp & John Latch, Ship Brokers, Newport, Monmouthshire. *Com.* Hill: April 19 and May 9, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Waldron, Cardiff; or Bevan & Girling, Bristol. *Pet.* April 5.

LITTLE, GEORGE, Miller, Lotham, Northamptonshire. *Com.* Holroyd: April 18 and May 24, at 1; Basinghall-st. *Off. Ass.* Lee. *Sols.* Parker, Rooke, & Parker, 17 Bedford-row; or Dabbs, Stamford, Lincolnshire. *Pet.* Mar. 23.

POTTER, GEORGE, Lime Merchant, Purfleet-wharf, Blackfriars. *Com.* Goulburn: April 18, at 11.30; and May 23, at 12; Basinghall-st. *Off. Ass.* Pennell. *Sols.* Matthews & Son, 2 Arthur-st. West, London Brid.e. *Pet.* April 7.

SHAKESPEARE, THOMAS, Coach and Harness Furniture Manufacturer, Birmingham. *Com.* Sanders: May 6 & 27, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Collis & Ure, Birmingham. *Pet.* April 1.

SMITH, JOHN, & SAMUEL CLAY ORCHOFT, Lace Manufacturers, Nottingham (Smith & Orcroft). *Com.* Sanders: May 3 & 24, at 11; Nottingham. *Off. Ass.* Harris. *Sols.* Littlewood, Cowley & Everall, Nottingham. *Pet.* April 6.

SPAWTON, WILLIAM, JOHN HILL, STEPHEN RICHARD OWEN, & JULIEN ROELENS, Curriers, Nottingham. *Com.* Fane: April 29, at 12.30; and May 20, at 11; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Lawrance, Plews & Boyer, 14 Old Jewry-chambers. *Pet.* April 6.

WADE, JAMES JOHN, Grocer, Braintree, Essex. *Com.* Fonblanque: April 20, at 1; and May 20, at 12; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Madox & Wyatt, 30 Clement's-lane. *Pet.* April 5.

WISE, JOHN, & GEORGE EDWARD WEBSTER, Coopers, 12 New Weston-st., Southwark (Wise & Webster). *Com.* Goulburn: April 18, and May 23, at 11; Basinghall-st. *Off. Ass.* Nicholson. *Sol.* Hicks, 37 Basinghall-st. *Pet.* April 6.

BANKRUPTCIES ANNULLED.

TUESDAY, *April* 5, 1859.

CLAYTON, ROBERT, Leather Dealer, Deansgate, Manchester. April 1.

SWIFT, THOMAS, Tea Dealer, Sheffield. April 2.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *April* 5, 1859.

ARLISS, JOHN, Carrier, Plymouth. April 28, at 1; Plymouth.

ASPINALL, JOSEPH, Stock & Share Broker, Liverpool. April 29, at 11; Liverpool.

BOTTLE, THOMAS, & PEAKMAN, JOSEPH, Metal Dealers, Birmingham. May 2, at 11; Birmingham.

BURROW, THOMAS, Farmer, Shrawley, Worcestershire. May 13, at 11; Birmingham.

CHEETHAM, JOHN, General Dealer, New-st., Birmingham. May 5, at 11; Birmingham.

ELLIS, WILLIAM, Watchmaker, Halesworth, Suffolk. April 29, at 12.30; Basinghall-st.

HUNT, WILLIAM, sen., Greengrocer, 6 & 7 William-st., Lisson-grove. April 15, at 1.30; Basinghall-st.

LEE, EDWARD, Ironmonger, Shrewsbury. May 5, at 11; Birmingham.

MACHIN, JESSE, & WILLIAM CATLING, Shipping & Commission Agents, 7 Skinner's-pl., Size-lane. April 15, at 12.30; Basinghall-st. (by adjt. from Mar. 11.)

M'BEAN, JOHN, Grocer, Pilgwenlly, Newport, Monmouthshire. April 28, at 11; Bristol.

MANN, JOHN, Ironmonger, Old Town-st., Plymouth. April 28, at 1; Plymouth.

MIDDLETON, JAMES, Ironfounder, West Bromwich, Staffordshire. May 2, at 11; Birmingham.

NIX, HENRY, Miller, Werrington, Northamptonshire. April 28, at 1; Basinghall-st.

OLIVER, WILLIAM LEMON, Stock & Share Broker, 4 Austin Friars. April 27, at 11.30; Basinghall-st.

POUND, HENRY, Builder, Plymouth. April 28, at 1; Plymouth.

RICHARDSON, CHAD FISHER, Victualler, late of Church-st., Stoke Newington, now of 8 Mildmay-villas, Stoke Newington. April 27, at 2.30; Basinghall-st.

RILEY, WILLIAM, & WILLIAM TOMKINSON RILEY, Ironmasters, Pilaton, Sedgley, and Walsall, Staffordshire. April 28, at 11; Birmingham; sep. est. W. T. Riley.

STEER, JOSIAS, Builder, 26 Parade, Plymouth. April 28, at 1; Plymouth.

TOMKYS, WILLIAM, Plumber, Wolverhampton. May 2, at 11; Birmingham.

WILLCOCK, WILLIAM UDY, Builder, Lucan-pl., Hoxton. April 29, at 12; Basinghall-st.

FRIDAY, *April* 8, 1859.

ALLEN, WILLIAM, Boot & Shoe Maker, Wellingborough, Northamptonshire. May 2, at 12; Basinghall-st.

ARLISS, JOHN, Carrier, Plymouth. April 28, at 1; Plymouth.

BARNSDALE, GEORGE HUNT, Builder, Millfield, near Peterborough. April 29, at 2.30; Basinghall-st.

BROWN, WILLIAM, Miller, Cannock. April 18, at 11; Birmingham.

BULLIVANT, NATHANIEL, Victualler, Altrincham, Cheshire. April 20, at 12; Manchester.

COLLINS, JOHN, Plumber, Beccles, Suffolk. April 18, at 12.30; Basinghall-st.

COWELL, MATTHEW HENRY, & CHARLES BROCK, Licensed Brewers, St. George's-st., Southwark. May 5, at 1; Basinghall-st.

FOWLER, WILLIAM, Grocer, Bradford. April 29, at 1.30; Basinghall-st.

GIBSON, ANTHONY, Underwriter, Lloyds' Coffee House, Royal Exchange. April 19; Basinghall-st.

HART, JOSEPH, Licensed Victualler, Water-lane, Blackfriars. April 29, at 1.30; Basinghall-st.

HIGGINSON, JONATHAN, & RICHARD DEANE, Merchants, Liverpool, and at Barbadoes, under firm of HIGGINSON, DEANE & SVETT (Barton, Irlam & Higginson). May 5, at 11; Liverpool.

HODGSON, GILBERT, & WILLIAM ATCHESON, Timber Merchants, Sunderland (Hodgson & Atcheson). May 5, at 12; Newcastle-upon-Tyne.

HOWARD, FREDERICK JAMES, Grocer, 84 High-st., Chatham. April 19, at 1; Basinghall-st. (by adjt. from April 5.)

KNOTT, JOHN, Draper, Maidstone. April 29, at 1; Basinghall-st.

MANBY, JOHN SWALE, Ironmonger, Burnley, Lancaster. May 6, at 12; Manchester.

MANN, JOHN, Ironmonger, Old Town-st., Plymouth. April 28, at 1; Plymouth.

MARTIN, HENRY, & SAMUEL FOOT, Brewers, Battersea-park Brewery, Battersea-fields. April 29, at 1; Basinghall-st.

MARCHANT, WILLIAM, Seed Merchant, Rendezvous-st., Folkestone. April 29, at 2; Basinghall-st.

MILES, JAMES, Grocer, Richmond, Surrey. April 30, at 12; Basinghall-st.

POUND, HENRY, Builder, Plymouth. April 28, at 1; Plymouth.

ROOTS, GEORGE, Stone Merchant, Ospringe, and Faversham, Kent. May 2, at 1; Basinghall-st.

SCOTT, JOSHUA, Cloth Manufacturer, Thackley, Yorkshire. May 9, at 11; Leeds.

SHEPPARD, WILLIAM, Shipowner, Exmouth. April 19, at 11; Exeter.

SMITH, JOHN, Paper Manufacturer, Morton Mills, near Bingley, Yorkshire. April 29, at 11; Leeds.

STEER, JOSIAS, Builder, 26 Parade, Plymouth. April 28, at 1; Plymouth.

TERRUT, JAMES, jun., Corn & Cattle Dealer, Yeading, Middlesex. April 18, at 2; Basinghall-st.

THORNTON, JOSEPH GOODHARN, Watchmaker, Richmond. April 29, at 11; Leeds.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *April* 5, 1859.

CHURCHILL, JAMES AGNES, Veterinary Surgeon, Colchester. April 27, at 1.30; Basinghall-st.

CRELLIN, PHILIP, Sail Maker, Liverpool. April 29, at 11; Liverpool.

MILLER, JAMES, Plumber, 11 St. Andrew-st., Cambridge. April 29, at 11; Basinghall-st.

SYSON, JAMES, Hosier, Birmingham. April 28, at 11; Birmingham.

TURNER, WILLIAM HENRY, Draper, 69, 70, & 89 Bishopsgate-st. Without. April 27, at 12.30; Basinghall-st.

VICKERS, JOSEPH GIBBONS, Licensed Victualler, Liverpool. April 29, at 11; Liverpool.

WILLIAMS, THOMAS (trading in the name of JOHN WILLIAMS), Dealer in Wines & Spirits, 93 Jermyn-st., St. James's. April 29, at 11; Basinghall-st.

FRIDAY, *April* 8, 1859.

EARNSHAW, HENRY, Corn Miller, Mytholmroyd, Halifax. April 29, at 11; Leeds.

HARTON, WILLIAM, & HENRY TATHAM, Worsted Manufacturers, Cullingworth, Yorkshire. April 29, at 11; Leeds.

HUTCHINGS, WILLIAM, Linendraper, Moretonhampstead, Devon. May 4, at 11; Exeter.

KNOTT, JOHN, Draper, Maidstone. April 29, at 12; Basinghall-st.

LANGDALE, JOHN, Innkeeper, Brompton, Yorkshire. May 10, at 11; Leeds.

LEWIS, ABRAHAM DAVID, Wine & Spirit Merchant, North Shields (A. D. Lewes & Co.) May 3, at 12; Newcastle-upon-Tyne.

M'INTYRE, JAMES, Draper, Merthyr Tydfil. May 3, at 11; Bristol.

OAKEY, DANIEL FRANCIS, Bookseller, 10 Paternoster-row. April 29, at 11; Basinghall-st.

PETERS, JOHN, & FREDERICK PEACOCK, Fish Merchants, Lowestoft. April 29, at 11.30; Basinghall-st.

RIDLER, GEORGE, Grocer, Bute-st., Cardiff. May 3, at 11; Bristol.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *April* 5, 1859.

BASSETT, JAMES, Builder, 25 & 27 Store-st., Bedford-sq. Mar. 29, 2nd class, after a suspension of 6 months.

BEAR, FREDERICK EDWARD, Tobacconist, 44 Crown-row, Mile End. Mar. 25, 2nd class.

BERESFORD, BENJAMIN, Stonemason, Belper, Derbyshire. Mar. 29, 2nd class.

CONNOR, EDMUND, Shoe Warehouseman, 8 Brooke-st., Holborn. Mar. 23, 1st class.

ELLIS, WILLIAM, Watchmaker, Halesworth, Suffolk. Mar. 30, 2nd class.

HILL, JAMES, Grocer, Birmingham. Mar. 31, 3rd class.

MIERS, LEVY, Wholesale Clothier, Fore-st., Cripplegate. Mar. 30, 3rd class.

PALMER, JOHN, Hop Merchant, Worcester. Mar. 19, 3rd class, after a suspension of 6 months from Dec. 17, 1858.

PRANGLEY, WILLIAM, Musicseller, Salisbury. Mar. 30, 3rd class.

SOMALVICO, VINCENT, Manufacturing Optician, 14 Charles-st., Hatton-garden (Vincent Somalvico & Co.) Mar. 29, 2nd class.

THOMPSON, JOHN, Carrier, Hadlow, Kent. Mar. 25, 3rd class.

TONES, BENJAMIN, Jeweller, Birmingham. Mar. 31, 2nd class.

WILLMOT, THOMAS, Builder, Eastbourne. Mar. 31, 2nd class.

FRIDAY, *April* 8, 1859.

DENBIGH, JOHN, Hearth Rug Manufacturer, 24 Duncan-ter., and 22½ Bryan-st., Islington. April 2, 2nd class.

FLINT, JOHN PETER, Plumber, Sheffield. Mar. 26, 3rd class.

FORSTER, PETER, Ship Builder, Sunderland. Mar. 31, 3rd class.

HODSON, NATHANIEL, Joiner, Sheffield. Mar. 26, 3rd class.

KING, CHARLES, Silk Mercer, Newington-causeway. April 1, 3rd class.

LODGE, WALTER, Woollen Manufacturer, Castle-hill, Almondbury, Yorkshire. Mar. 25, 2nd class.

NIX, HENRY, Miller & Corn Dealer, Warrington, Northampton. April 2, 2nd class.

NURSE, GEORGE, Livery Stable Keeper, 22 Red Lion-yd., Old Cavendish-st. April 1, 2nd class.

TURNELL, THOMAS BREWIN, Draper, Sheffield. Mar. 26, 3rd class.

TURNER, JAMES, Miller, Warsop, Nottingham. Mar. 26, 1st class.

WEST, HENRY, Upholsterer, 14 & 15 Cannon-st., and 6 Brixton-pl., Brixton. Mar. 31, 1st class.

WOOLF, JOHN, jun., Smallware Manufacturer, Manchester. Mar 31, 2nd class.

Assignments for Benefit of Creditors.

TUESDAY, *April* 5, 1859.

BEARTTE, MARY ANN, Wholesale Milliner, 8 Hall-st., Goswell-rd. Mar. 21. *Trustees*, F. Goodyear, Warehouseman, St. Paul's Churchyard; F. Parks, Warehouseman, 12 & 13 Norton Folgate. *Sol.* Marden, 99 Newgate-st.

HALSTED, THOMAS COMBES, Watchmaker, 3 Cross-st., Ryde, Isle of Wight. Mar. 8. *Trustee*, W. J. Tayler, Cockade Manufacturer, 89 Windsor-ter., Great Dover-rd. *Sol.* Flux, 68 Cheapside.

LYONS, BENJAMIN, Slate Merchant, Hoole Park, Chester. Mar. 29. *Trustees*, C. Davison, Tile Merchant, Queen's Ferry, Flint; G. Jones, Coal Merchant, Chester. *Sol.* Smith, Northgate-st., Chester.

PANKHURST, HARRIET, Widow, General-shop Keeper, Timberscombe, Somerset. Mar. 14. *Trustees*, J. Woodland, Banker, Bridgewater; W. Harris, Linen Merchant, 30 & 33 Bridge-st., Bristol. *Sol.* Lemm, Bristol.

FRIDAY, *April* 8, 1859.

BIRKS, HERBERT, Grocer, Sheffield. April 1. *Trustees*, Fixen & Co., Wholesale Grocers, London; R. Wheen, Grocer, Sheffield. Creditors to execute before June 1. *Sol.* Burdekin, jun., Sheffield.

FLETCHER, RICHARD, Farmer, Peaks, Lincolnshire. April 2. *Trustee*, C. Cook, Shoemaker, Great Grimsby. Creditors to execute before July 2. *Sol.* Grange, Great Grimsby.

Hancock, William, Wheelwright, Birtingham, Worcestershire. April 5. *Trustees*, E. Andrews, Ironmonger, Pershore; M. Jones, Ironmonger, Worcester. Creditors to execute before July 5. *Sols.* Ball & Hudson, Pershore.

King, William, Grocer, 21 Spital-st., Guildford. Mar. 19. *Trustees*, J. Franks, Miller, Bramley; W. Turner, Corn Dealer, Guildford. Creditors to execute before June 19. *Sol.* Baker, Guildford.

Little, William, Miller, Smithies Mill, Monk Bretton, Yorkshire. Mar. 30. *Trustees*, S. Wilby, Corn Dealer, Ardsley, Yorkshire; T. Beevers, Farmer, Clayton in the Clay, Yorkshire; R. Inns, Ironfounder, Barnsley, Yorkshire. *Sol.* Harrison, Barnsley.

Moses, William, Innkeeper, Aldborough, Yorkshire. Mar. 17. *Trustee*, A. Young, Brewer, Richmond, Yorkshire. Creditors to execute before June 17. *Sol.* Hunton, Richmond, Yorkshire.

Slater, William, Baker, St. Mary-st., Portsmouth. April 4. *Trustees*, J. Woodward, Provision Merchant, Portsea; C. H. Dorrington, Provision Merchant, Portsea. Creditors to execute before May 4. *Sol.* Pearce, Portsea.

Souls, Samuel Hill, Baker, Pitfield-st., Hoxton. *Trustee*, T. Surr, Gent., Abchurch-lane. *Sol.* Gribble, jun., Abchurch-lane.

Walder, Walter, Draper, East Cowes, Isle of Wight. Mar. 19. *Trustees*, G. Howes, Warehouseman, St. Paul's Churchyard; J. Bradbury, jun., Warehouseman, Aldermanbury. *Sol.* Pittis, Newport.

Creditors under Estates in Chancery.

Tuesday, *April* 5, 1859.

Bainbrigge, Thomas, Esq., Woolseat, Staffordshire (who died in or about June, 1818). Alsop *v.* Bell and others, M. R. April 29.

Smith, Thomas, Commission Agent, Sydney-pl., Clapham-rd., afterwards of York-villas, Manor-ter., Brixton, and also of Pancras-lane (who died in or about September, 1858). Ogilvie *v.* Smith, V. C. Kindersley. May 9.

Friday, *April* 8, 1859.

Carruthers, John, Spirit Merchant, Wantage (who died in or about the month of Dec., 1857). Burnett & others *v.* Burnett & another, V. C. Stuart. May 2.

Hutchinson, Elizabeth, Widow, 12 Kensington Gardens-ter., Hyde-pk. (who died in or about the month of July, 1858). Bristow *v.* Skirrow, M. R. May 6.

Winding-up of Joint Stock Companies.

Tuesday, *April* 5, 1859.

Unlimited, in Chancery.

British Colonial and Foreign Sugar Company.—V. C. Kindersley will, at his Chambers, on April 14, at 12 precisely, appoint Official Manager.

Mexican and South American Company.—The Master of the Rolls orders a Call of £4 per share be made on all the Contributories, on or before April 7, payable to Robert Palmer Harding, 5 Serle-st., Lincoln's-inn.

Protestant Life and Fire Insurance Association.—V. C. Kindersley will, at his Chambers, on April 18, at 2, make a Call on all the Contributories of £10 10s. per share.

Trevena Mining Company.—The Master of the Rolls orders a Call of £2 per share be made on all the Contributories, on or before April 6, payable to Robert Palmer Harding, 5 Serle-st., Lincoln's-inn.

Friday, *April* 8, 1859.

Unlimited, in Chancery.

British Colonial and Foreign Sugar Company.—April 14, at 12; for winding up.

Protestant Life and Fire Insurance Association.—V. C. Kindersley will, on April 18, at 2, make a Call on all the Contributories of £10 10s. per share.

Scotch Sequestrations.

Tuesday, *April* 5, 1859.

Dunsmuir, John, Robert Dunsmuir, & John Dunsmuir, jun., Coalmasters, Barr Mill, Beith (John Dunsmuir & Sons). April 12, at 1; Black Bull-hotel, Portland-st., Kilmarnock. *Seq.* April 2.

Lister, John, Redwalls, Strathruddie (Durie Coal Co.) April 9, at 2; Royal-hotel, Cupar-Fife. *Seq.* Mar. 30.

Melven, James, Clothier, Aberdeen (Melven & M'Gregor). April 9, at 2; Royal-hotel, Aberdeen. *Seq.* Mar. 30.

Middleton, George, Wood Merchant, Mansfield, Fife. April 13, at 1; Tontine-hotel, Cupar-Fife. *Seq.* April 1.

Sandell, John Charles, 51 Broughton-st., Edinburgh, late Army Exchange Agent, 2 Warwick-st., Charing-cross, London. April 8, at 12; Stevenson's-rooms, 4 St. Andrew's-sq., Edinburgh. *Seq.* Mar. 31.

Friday, *April* 8, 1859.

M'Adam, William, Farmer, Irongray, Kirkcudbright, sometime of Barmoffaty, Kirkpatrick-Durham. April 18, at 1; Royal-hotel, Kirkcudbright. *Seq.* April 4.

Wright, Joseph John, Solicitor, 6 Leopold-pl., Edinburgh (J. J. & G. W. Wright.) April 15, at 12; 4 St. Andrew-sq., Edinburgh, *Seq.* April 4.

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NOTICES TO CORRESPONDENTS.

"A. J. D.," Kidderminster, will see, on reference to our Notes of Cases, that we have already in part carried out his excellent suggestion, and we hope gradually to adopt it in every case.

THE SOLICITORS' JOURNAL.

LONDON, APRIL 16, 1859.

PROVIDENCE AND CHARITY.

There are two primary duties which devolve on every man: the one, to take care that, by his forethought—and, if needful, by his honest exertion—the wants of himself and his family are provided for; the other, to assist, according to his means, the necessitous and helpless among his fellow-men. The energy and love of work, which are characteristic of Englishmen, lead the great majority of our population to be self-providing, and it certainly cannot be charged against us that, as a nation, we are wanting in charity. Yet, in the performance of both the duties to which we have alluded, many shortcomings might be noted; and much need exists for a more frequent resort to the benefits of life insurance, and for a wider support of the principle embodied in the Solicitors' Benevolent Association.

Solicitors, like all professional men, have a peculiar interest in life assurance, as the best safeguard against the uncertainty of life and health; and they are, also, the most efficient advocates for the exercise of this form of forethought, because they are intimately acquainted with the circumstances and necessities of their clients. We are, therefore, always glad to hear of the success of any insurance association supported by our body, and have much pleasure in drawing attention to the very gratifying report of the London and Provincial Law Assurance Society, which is this week reported in our columns.

But, let prudence and economy do what they will, it is certain that there will always be a residue of unforeseen misery and want to exercise our Christian benevolence. It is to meet these unavoidable necessities, and in accordance with the excellent maxim, that charity begins at home, that the Solicitors' Benevolent Association has been founded. Originating with some active members of the Metropolitan and Provincial Law Association, it held its first meeting at Bristol in the autumn of last year, and it has now just celebrated its second half-yearly meeting by a festival under the chairmanship of the Lord Mayor, who is himself a strenuous supporter of the association. The increase in its numbers has been very rapid, and every hope may be entertained that at no distant time the prosperity of the society may be equal to the undeniable excellence of its objects; but we would take this opportunity of strongly urging on the profession throughout the whole country, not to lose a day in contributing, according to their means, for the aid of the unfortunate and necessitous among their own body.

EDUCATION OF SOLICITORS.—EXAMINATIONS DURING ARTICLES.

As to the usage it receives at the hands of the law, our branch of the profession has certainly much to complain of. It pays large annual taxes, while the other branch of the profession, strong in the Legislature, is carefully exempted. The other branch has obtained laws to be passed giving the monopoly of all legal appointments (for the exceptions are all but nothing). And if a solicitor wishes to go to the bar, he must go through a three years' extra penance. Above all, we solicitors are subjected to legislative scales of prices, and to pecuniary regulations, unknown in any other branch of occupation, and so against all principle as to be monstrous in the eyes of a political economist.

But grumble as we may, we shall have, like all other bodies under burthens, to continue as we are, or to emancipate ourselves; and there is but one way to do so, and that one is in our own power. It is, to take care that the profession of a solicitor be of itself a mark of high educational training. Something equivalent to this has been accomplished by the medical profession. Any one who can remember the medical profession a quarter of a century since, still more fifty years back, will fully confirm us in saying as much. If we solicitors were wise, we should carefully scan their system and their improvements. The paragraph below, taken from the *Times* of the 12th inst., will show one important point in which, we regret to say, the Council of the Incorporated Law Society are relapsing from the wiser views which they have till recently entertained, and seem about to oppose the concurrent opinion of all the local law societies, the experience of both the Universities, shown by their recent changes of practice, and that of the medical profession, as recently indicated.

The question we allude to is this:—Should an articled clerk be required to go up in all the subjects of examination at one sitting, and at the end of his time, or should he be allowed, on due notice, to present himself on any of the four quarterly examination days during, say, the last two years of his articles, and be examined on any one or more of the subjects; and thus doing by two or three, or more steps, what he is now encouraged, if not in truth required, to do by a *cram*?

Of course the latter plan will tend to turn, and to a great extent will turn, the present system of cram into a steady course of reading. If it does not so well ensure (which we deny) that on admission the *alumni* are as fully charged with law as on the former plan, it does better—it ensures habits of learning, and that knowledge shall have been taken in more gradually, a point of the first moment, if it is to be remembered for any length of time.

The heads of the new law as to attorneys proposed by the Council, would prevent, without a further Act of Parliament, such a system as that we are advocating being adopted hereafter. Surely this must be unwise! At least let the Act be so drawn that more than one examination can be permitted, if a second change of light should hereafter come over the Council.

The paragraph alluded to is as follows:—

The medical profession and the public generally will be glad to learn that the new system of examining candidates for the diploma of membership of this college, determined upon by the Council, has come into operation. By its aid it is hoped

that the acquirements of the candidates who offer themselves for examination will be more efficiently tested than heretofore, and it is especially sought to discountenance the plan of preparing for examination by what is called "grinding" or "cramming," i.e., substituting the mere catechetical instruction of a grinding tutor for the study of the fundamental principles of the art of surgery in the dissecting-room and in the wards of the hospital. The student is now required, in the first place, to prove that he has practically studied anatomy, by an examination upon the dead body, and on another day he has to furnish written answers to questions in physiology, or the functions of the economy. These two tests, which are termed the "preliminary examination," cannot be submitted to until the student has furnished proof that he has completed two years' study in a medical school recognised by the college, as offering due guarantees of being able to conduct an efficient education. After he has passed four years in such study of his profession, he may present himself for the two final or pass examinations in pathology and surgery, the one oral, the other written. By the system of examination now abandoned (except in a few particular cases) all these subjects were inquired into on the same evening, the student having only to submit to a single examination at the end of his studies. Already pupils have passed the preliminary examination, or "little go," as it is termed, but which many have found far from being so insignificant an affair.

Since the above was in type, we have received the letter on "Legal Honours," which appears in another column. We entirely sympathise in the effort to perpetuate the distinctions earned by hard-working and meritorious students; and we believe that no better means could be employed to raise the educational status of the profession. We shall be happy to afford any assistance in our power to the gentlemen engaged in this commendable work.

THE CRIMINAL LAW AMENDMENT BILLS.

There was an opportunity last night of exposing to the vulgar gaze that most hurtful and odious of all impostures connected with the machinery of legislation and jurisprudence, the Statute Law Commission. With a temerity that is rarely equalled, the Attorney-General challenged discussion by laying upon the table one of those famous Criminal Law Consolidation Bills which have been the stock in trade and the disgrace of the Commissioners ever since their appointment. It appears, however, that no one has yet thought it his duty to tell the House something about the doings and undoings of this preposterous body. Out of doors, among all who know anything of the matter—excepting, of course, such as have a substantial interest in the *status quo*—contempt has long since been succeeded by indignation, on account of the scandalous and persistent trifling, and the systematic attempt at cajoling Parliament, which has always characterised its proceedings. For several years it has been in existence, with a very large expenditure, and has done literally nothing. To some people it may be a piece of information that these Criminal Law Bills are the result of the task which was confided many years ago to Mr. Lonsdale, and which, having been revised by the late Chief Justice Jervis, Mr. Greaves, and others, were introduced to the House of Lords in 1856 by Lord Cranworth. In the two succeeding sessions, they were made to do duty for two sets of law officers, and furnished a respectable apology for the Statute Law Commission to those who were ignorant of the real authors and revisers of the Bills. Last session and this, they were so often paraded on the notice-book of the House, as to make some people believe that Sir Fitzroy Kelly regarded law reform as his political capital. Next session, no doubt, the Attorney-General for the time being will take an early opportuity of making a fine announcement about the consolidation of the criminal law; and if Sir F. Kelly fills that office, we shall be certain of being introduced to our old friends, the Bills of 1856, as if they were something actually novel. The Statute Law Commission, and its abettors, thus block up the way of real improvement, because the public imagine that something is being actually accomplished, while the fact is, that nothing whatever has been done during the many years of its existence, excepting always the pocketing of large salaries, and otherwise the great waste of public money. It is hardly credible, but nevertheless true, that these Commissioners have not yet settled even the principle on which the work of consolidation is to be attempted. Sometimes the apology for not prosecuting these Criminal Consolidation Bills has been, that, unfortunately, they included some amendments, which it was considered better to introduce in a separate form, and afterwards incorporate with the existing law. At other times it has been said, on the contrary, that, unluckily, the task of consolidation merely had been confided to the draftsmen, and it would be, therefore, necessary to withdraw the Bills, for the purpose of introducing some obvious amendments. Passing from these unhappy Bills, it is obvious that mere consolidation, or even amendment, without some improvement in the manner and the language of our legislative enactments, cannot be of any great utility.

It is generally agreed that the first step towards improvement in the manner of our legislation, should be the appointment by both Houses of Parliament of an officer for the revision of public Bills. The witnesses examined before the select committee on the Statute Law Commission, differ very much as to what ought to be the precise nature and extent of his duties. The Commissioners, in their second report, suggest that his powers and duties should be of the largest character. They say that he, or a board whose officer he would be, ought to "advise on the legal effect of every Bill" referred to them, and "in particular, on the existing state of the law affected by the proposed Bill, its language and structure, and its operation on the existing law; and also to point out what statutes it repeals, alters, or modifies, and whether any statutes or clauses on the same subject-matter are left unrepealed or conflicting." Mr. Coode in his evidence is very severe, and perhaps somewhat hypercritical, in his remarks upon the want of logical expression in this suggestion of the Commissioners. He says it would be difficult for the proposed officer to make any distinctions between the four cases on which it is proposed he should separately report. But apart from any cavil at the language of the Commissioners, the task which they would impose upon the officer and his staff is altogether impracticable; and even were it practicable, would be be most inconvenient in its operation, especially upon our legal tribunals. In effect, it would be an attempt to give a complete and authoritative digest, not only of the statute law, but also of the common law, upon every point involved in any measure introduced to the House, whether by the Government or by a private member. It is not pretended, by the appointment of this officer or board, to interfere with the privileges of Parliament, or to prevent any member from bringing under its consideration whatever Bill he chooses. The supposition, therefore, is, that the proposed officer or board would be able, without impeding Parliamentary business, to supply a complete treatise upon the whole law of England affecting the provisions of every measure proposed to Parliament. If such an officer or board were in existence, any member of either House who was dissatisfied with existing text-books on any subject, would have nothing to do but to draw a Bill relating to it, and—assuming the theory of the Commissioners—he would have, in the course of the session, a complete digest of the law on the point, with the advantage, moreover, of all the weight and authority which would necessarily attach to the production of a Parliamentary board or officer. It is enough to state such a proposition to show how unfeasible it is.

But another difficulty remains. How far should these statements or summaries of existing law, which are to be taken as the basis of future legislation, be recognised, or judicially noticed, by our courts of law and equity?

At present the judges are constantly struggling, in the interpretation of statutes, to discover the intention of the Legislature, to which they have generally no clue whatever, except what appears in its own enactments. But, if the proposal of the Commissioners be carried out, how can they shut their eyes to an authoritative statement of the grounds, the antecedents, and the legal motives of these enactments, even though, in the opinion of our highest Courts, such statement may be clearly erroneous in some important particulars. The practical effect would be, to incorporate an infinitely greater mass of commentaries—necessarily composed with haste, and in the midst of distractions—with our present mountain of statutes. No one will say that such a result is desirable.

Mr. Coode's suggestion is more rational, and certainly much more practicable. He proposes the appointment of a revising clerk, to whom every public Bill should be submitted before its being moved in committee; and that no motion be made for the passing of the Bill until he shall have reported thereon. Mr. Coode suggests that the duties of such officer should be to ascertain and report—"1. What public statute is modified or repealed by each clause, and whether the necessary references or repeals are definitely made (omitting all references to the other effects of the Bill and to the common law); 2. That the Bill is satisfactorily expressed; and 3. That the order of its enactments is satisfactory." There would be nothing impossible, and there would be greater advantage, in an officer, with one or two assistants, discharging the duties here prescribed. At first, no doubt, he would experience considerable difficulty in pointing out every statute that would be modified or repealed by each clause in the two hundred or more Bills which are laid upon the table of either House every session. In many instances, Acts are virtually, though not expressly, repealed; and it is sometimes impossible to state how many previous enactments may be more or less modified, somehow or other, by a new one. One of the main evils of our present system of statute-making is the frequency of indefinite repeals, and repeals operating by conflicting matter, which compel the lawyer sometimes to range the whole field of our statute-law, in order to arrive at the effect of an Act of the present reign. The first part of the reviser's task as proposed by Mr. Coode, would, therefore, of itself be necessarily a work of great labour for some time. But if in future every repeal was required to be made by specific reference, and in express terms, the labour of such revision would be constantly diminishing, until at length any modern statute would contain in itself complete information—or, at all events, specific notice sufficiently distinct to put one on inquiry—as to its effect upon existing statutes. Such an officer could thus lay a foundation for the ultimate consolidation of the whole body of our statute law.

Another important step towards so desirable a result would be, the classification of our statutes. The only classification now sanctioned by authority is into Public, General, Local and Personal (declared public, &c.), Private Printed, and Private not Printed Acts. Under the first and far the most important head is included the great bulk of our legislation as it affects the public, or prescribes "rules of civil conduct." The Commissioners properly describe the public general statutes of each session as "a mass of documents, differing essentially from one another in their character, and in the continuance and extent of their operation; thrown together fortuitously in the order in which they are assented to by the Crown"—an order purely accidental. If the number of statutes relating merely to the administration of the Government were separated from the whole mass, the remainder would be much more manageable. Appropriation Acts, Loan Acts, Mutiny Acts, Customs Acts, and others belonging to the administration or fiscal duties of Parliament, ought certainly to have one or more classes appropriated to themselves. Of the residue, there might be several convenient subdivisions, exhibiting the area, the duration, and the subject matter of their operation, so that in the course of a short time we should have, e. g.—as was suggested by a member of the select committee—all the written laws affecting cotton-spinners, fisheries, or any other subject-matter of legislation, consolidated into an intelligible code, merely by following out the principle of classification.

On some future occasion, we shall have something to add on the improvements which are practicable in the internal structure and the language of our statutes. Without some attention to the logical order and proper sequence of enactments, and also to the manner of expression used therein, mere consolidation can only prove a partial benefit.

The Courts, Appointments, Vacancies, &c.

FIRST DAY OF TERM.

Yesterday being the first day of Easter Term, the Lord Chancellor received the judges of the several Courts of Equity and Common Law to breakfast at his mansion in Eaton-square, and also held a general levee of the bar, which was most numerously attended by the leading Queen's Counsel, and other members of the bar having the privilege of attending. At one o'clock the Lord Chancellor, accompanied by the judges, according to their seniority and rank, proceeded in state to Westminster-hall, where, as usual, a large concourse of persons were assembled to witness the ceremony of opening the courts on the first day of term.

The Lord Chancellor took his leave of the judges at the door of the Court of Common Pleas, where a number of serjeants were assembled, after which the judges of the several Courts of Queen's Bench, Common Pleas, Exchequer, and the several Vice-Chancellors, retired to and opened their respective courts.

NEW COUNTY COURT JUDGE.—The Lord Chancellor has appointed Camille F. D. Caillard, Esq., conveyancer and equity draughtsman, to the judgeship of the county court of Wiltshire.

Notes on Recent Decisions in Chancery.

(By MARTIN WARE, Esq., *Barrister-at-Law.*)

PRACTICE—PROCEEDING IN ABSENCE OF PERSONAL REPRESENTATIVE—SERVICE OUT OF THE JURISDICTION.

Maclean v. *Dawson*, 7 W. R., M. R., 354.

Two questions arose in this case affecting the practice of the Court: one relating to the necessity for an English representation of a testator domiciled abroad, where it is intended to affect his estate; the other relating to the practice of serving defendants out of the jurisdiction.

A testator, who was domiciled in Scotland, had constituted three persons his residuary legatees and personal representatives—all of whom had proved the will according to the law of Scotland, and properly represented the testator in that country. Two of them were resident in Scotland; the other lived in England, but had taken out no English representation. The plaintiff filed a bill against the executors to enforce a claim against the testator's estate, and served the two Scotch executors by special order. The executor who was resident in England demurred to the bill, on the ground that he did not represent the testator according to the English law; and his demurrer was allowed, the Court holding that such a case was not within the 44th section of the Chancery Improvement Act (15 & 16 Vict. c. 86), which gives the Court power to proceed in a suit, under certain circumstances, without the presence of a personal representative of the testator, or, if it shall think fit, to appoint one. There have been a great many cases under that section, which are collected in "Morgan's Chancery Acts," p. 167. The general rule is, that, to induce the Court to act under the section, it is necessary, first, that the interest of the deceased in the matter in question should be of little importance, and not involving the administration of his estate; and, secondly, that there should be some difficulty in obtaining representation to his estate in the ordinary way.

The other question in the present case was raised by the two executors in Scotland who did not appear to the bill, but moved to discharge the order which had been made for service

on them out of the jurisdiction, upon the ground that the matters out of which the disputed claim arose took place in Scotland, and that since the filing of the bill proceedings had been commenced in Scotland, in which the plaintiff's claims would be embraced. The Court, however, refused to disturb the order, and held that where an order has been obtained for service of a bill out of the jurisdiction, the only grounds on which the defendant can move, before appearance, to discharge the order, are either that it was contrary to the rules of the Court, or that it was obtained by fraud, or in violation of good faith. It appears, also, from the judgment of the Master of the Rolls, that on a primâ facie case being made out for such an order the Court has no discretion to refuse it. (See "Morgan's Chancery Acts," 124.)

GOODWILL—SALE OF BUSINESS—INJUNCTION.

Churton v. *Douglas*, 7 W. R., V. C. W., 365.

It has been established by decided cases that the mere fact of a trader selling the "goodwill" of his business, does not, in the absence of express stipulation, imply a contract that the vendor shall not set up a similar business next door if he likes, and make a fresh business by his own industry. In the present case, however, it has been held that a Court of Equity will nevertheless interfere if he sets up a business under the same style as that which he sold, and represents to the public that the identical business is being resumed and carried on by him. Such conduct is considered by the Court to be a fraud, and will be restrained as such. The present case was certainly a strong one for the interference of the Court; for the vendor not only established himself next door under the same style as that which he used before the sale, but he decoyed three of the purchaser's shopmen who had previously to the sale been in his own house, and induced them to leave the purchaser's service and to join him in the new establishment. The injunction granted by the Court was to restrain the defendant from resuming or carrying on the business of a stuff merchant, at or in immediate neighbourhood of B., either alone or in partnership with any other persons, under the style or firm of "J. D. & Co.;" or in any other manner holding out that he was carrying on the business in continuation of or in succession to the business carried on by the late firm of "J. D. & Co."

LEASES AND SALES OF SETTLED ESTATES ACT—LEGAL ESTATE.

Eyre v. *Sanders*, 7 W. R., V. C. W., 366.

In this case a point arose as to the interpretation of the 15th section of the Leases and Sales of Settled Estates Act (19 & 20 Vict. c. 120), by which the Court of Chancery is empowered, on the occasion of any sale under the Act, to direct persons to execute a conveyance of the settled estates, with a proviso that such deed shall take effect as if the settlement had contained a power enabling such persons to effect such sale. In the present case, the legal estate was outstanding in mortgages. Two orders were made by the Court, by which the mortgagees were bound, directing three persons, therein named, to execute the conveyance, and ordering all other necessary parties to join. After the orders, but before the conveyance, the mortgagees reconveyed the legal estate to the existing trustees of the settlement, and the purchaser insisted that the trustees ought to join in the conveyance. The Court, however, held, that the legal estate which had been acquired by the trustees passed, under the conveyance by the nominees of the Court. If the estate had been still outstanding in the mortgagees at the time of the conveyance, it is presumed that they must have joined, in order to convey it to the purchaser. But, inasmuch as the trustees had acquired the legal estate previously to the conveyance, although subsequently to the order, it was held to be included under the definition of "settled estates" in s. 1, namely, "all estates or interests which are the subject of a settlement."

Notes on Recent Cases at Common Law.

(By JAMES STEPHEN, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

REPRESENTATIVE FRANCHISE—"MILITARY KNIGHTS OF WINDSOR," POSITION OF.

Heartley (*Appellant*) v. *Banks* (*Respondent*), 7 W. R., C. P., 342.

By this case (which was an appeal from the decision of the revising barrister) it is established that a man who, as "a military knight of Windsor," resides in one of the houses appropriated to him as a lodging by the Crown, does not thereby acquire an electoral franchise in respect of such residence, either as owner or tenant thereof. This was decided by the revising barrister on the ground that the occupation of these knights was for the purpose of military service only, and, therefore, did not confer a right to vote. This reason the Court of Common Pleas held to be fallacious, though they affirmed the decision itself, as they considered that the appointment of a military knight of Windsor was not an office at all, but an institution of a purely eleemosynary kind. Moreover, they thought that it could not be said that the knights have a freehold interest in their houses, inasmuch as the legal estate therein is in the dean and canons of Windsor, under whose control and authority the knights are placed. The section of the Reform Act under which the claim was made was the 27th, which gives a vote for the city or borough to every male person of full age who shall occupy therein, as owner or tenant, any house, &c., of the clear yearly value of not less than ten pounds. This appeal was disallowed without costs, as the Court was of opinion that the case was a very fit one for consideration.

LIABILITY OF OCCUPIERS TO THE PUBLIC FOR REPAIRS.

Bishop v. *Trustees of the Bedford Charity*, 7 W. R., Q. B., 345.

This was a case somewhat resembling in principle that of *Hardcastle* v. *The South Yorkshire Railway and River Don Company*, recently noticed, inasmuch as it turns on the liability of those who occupy premises to answer for the consequences of allowing them to remain out of repair, if an accident is occasioned and an injury suffered thereby. In the present case, however, the main question which arose was one rather of fact than of law. The declaration charged that the defendants being possessed of a certain messuage and area near to a public footway,—an area in part covered by a grating, which it was their duty to keep in good repair, so that passengers might not be in danger of falling into the area,—permitted the grating to be in bad repair, whereby the plaintiff passing along on his lawful business fell down and was injured; and the only point which was contested was, whether the defendants were *occupiers* of the premises in question, or the owners and landlords thereof merely, in which latter case it was argued that they were not liable for the non-repair. This last proposition was admitted by the Court in the following terms:—"It is certainly well settled that where houses or lands are let and in the possession of the lessee, the lessor is not liable for the negligent management of the property in the exclusive possession of the lessee." Upon this point the judges of the Court were unanimous; but they differed in their opinion whether, under the particular circumstances of the case (which was complicated by the fact that the lessee of the defendants had passed through the Insolvent Court) the defendants were occupiers or not of the premises. As to this the Court was equally divided; an arrangement was therefore made that the case should be taken for decision by way of appeal to the Court of Exchequer Chamber.

EFFECT OF A CERTIFICATE OF BANKRUPTCY—MEANING OF "ANNUITY DEBTOR" IN THE CONSOLIDATION ACT OF 1849.

White v. *Corbet*, 7 W. R., Exch. C., 363.

This case was brought before the Court of Error on a bill of exceptions to the ruling of *Martin*, B., at Nisi Prius. The declaration was on a bond, entered into by the defendant "as surety" for J. F. C., who had contracted with the plaintiff to grant him a yearly life annuity as the purchase-money of some mines; and to the breaches of this bond, by the non-payment of certain instalments of the annuity, the defendant pleaded in bar his bankruptcy before the instalments became due. It appeared, however, at the trial, that there were certain arrears of annuity unpaid *since* the bankruptcy, and the judge directed a verdict for their amount, thus raising the question whether a certificate of bankruptcy (which had been obtained by the defendant in due course) operated as his discharge from the instalments of the annuity with respect to which he was surety, as they successively became due and payable by J. F. C.; in other words, whether the value of the annuity could be proved against the surety, on his becoming a bankrupt, as being an "annuity debtor" within 12 & 13 Vict. c. 106, s. 175. It was held, in the case of *Arnott* v. *Holden* (18 Q. B. 593) by Lord *Campbell*, C. J., and *Erle*, J.), that the liability on a bond, such as that now declared upon, was that of a *surety*, not of a principal; and, consequently, that he did not fall within the proper meaning of an annuity debtor. This being so, it resulted, both in that case and the present one, that the value of the annuity not being proveable in bankruptcy against a bankrupt surety, his certificate was no bar; since the certificate operates only in respect of debts which may be proved against the bankrupt. To the decision, however, arrived at by the

majority of the Court, in *Amott* v. *Holden*, *Wightman*, J., dissented; holding that on such a bond, the defendant's liability was that of a principal. The Court of Exchequer Chamber, in the present case, sided with the majority of the Court of Queen's Bench, and gave judgment for the plaintiff. They also considered, and decided in his favour, another point, which had not arisen in *Amott* v. *Holden* (that case having been on a bankruptcy occurring before the Consolidation Act, 1849), viz. whether the claim against the defendant was not discharged by his certificate, as being a "contingent liability" within 12 & 13 Vict. c. 106, s. 178. This point, however, had been, in effect, already decided by the Exchequer Chamber against the defendant on such a bond, in *Boyd* v. *Robins* (a case which we have had occasion to notice at some length),* and which was, consequently, an express authority against the present defendant on this ground also.

LAW OF DISTRESS—AVERIA CARUCÆ, EXEMPTION OF.

Keen v. *Priest*, 7 W. R., Exch., 376.

This was an action for distraining some sheep when there were at the time other goods and chattels of the plaintiff on the land, sufficient to answer the arrears of rent due, and the costs of the distress. The proceeding was grounded upon the 51 H. 3, st. 4, which enacts that beasts of the plough, and beasts which "gain the land," and *sheep*, shall not be distrained if there be other distress sufficient. And it appeared in evidence at the trial that there were at the time on the land certain unbroken colts, heifers, and steers, which might have been taken in lieu of the sheep. It was urged on behalf of the defendant, as a reason why a verdict against him with damages to the value of the sheep should be set aside, that "colts, and heifers, and steers," were animals which, in the words of the Act, "gain the land," and therefore stand on the same footing as sheep. But this the Court overruled, as these animals were at the time of the distress unbroken to harness. The Court, moreover, held that the damages were rightly assessed at the value of the sheep taken—the distress not being irregular merely, but unlawful—and that there was nothing in the case to make them nominal only, or to reduce them below that measure.

Parliament and Legislation.

HOUSE OF LORDS.

Friday, April 8.

SUPERANNUATION BILL.

This Bill was brought up from the other House and read a first time.

INDICTABLE OFFENCES (METROPOLITAN DISTRICTS) BILL.

The LORD CHANCELLOR moved the third reading of this Bill.

Lord LYNDHURST said,—My Lords, I object to this measure, both in principle and detail, and I wish to state to your Lordships the reasons and grounds of my objection. At present we are not at all aware of what arbitrary government means; prosecutions for political offences are never heard of; but, unfortunately, I have lived in times of a different character. I have seen the time when the Government was carried on upon arbitrary and even tyrannical principles—when political prosecutions were of constant occurrence, and were conducted with extreme harshness, and punishments of great severity were inflicted for political offences. We must not so far delude ourselves as to suppose that such a state of things can never again arise. Violent political feelings may again be excited, and who can venture to say that a similar state of things may not again occur? At all events, let us not, acting under such a delusion, take any steps towards destroying the bars and fences the constitution has given against the exercise of arbitrary power. The constitution provides that no man shall be put on his trial for any grave offence except on the presentment of a grand jury, or found guilty except on the subsequent verdict of the petty jury; and the decision of the grand jury must be that of twenty-four persons, declaring on their oath that they believe the party charged is guilty of the offence of which he is accused. That has hitherto been the law of the country, and it is the law at this moment. In the most arbitrary periods of our history that law has never been infringed or broken in upon. Attempts have been made at different times to invade it by intimidation and corruption; but the law itself has stood as a barrier, firm as a rock, amidst all the storms of the worst of times, and has come down to us unchanged. The Attorney-General, in the exercise of his high functions, and the Court of Queen's Bench, have the power of dispensing in certain cases with the grand jury. And what are you doing by this Bill? You are giving that power to every police magistrate within the metropolitan district, and not only the power which is given to the high officers that I have mentioned, but a far greater power, for, as my noble and learned friend the Chief Justice has just stated, that power of the Court of Queen's Bench and of the Attorney-General is confined to misdemeanours, whereas you are giving by this Bill power to dispense with grand juries, not only in cases of misdemeanour, but also in every case of felony. My Lords, these gentlemen to whom you are giving this power are officers of the Government; they have been appointed by the Government; they are removable at the pleasure of the Government. Are you willing, then, to make this extraordinary change in our laws? Is there any case of necessity to justify such a change? I think I can show your Lordships that no such necessity exists. My noble and learned friend on the woolsack paid a just eulogium to the character and abilities of the metropolitan police magistrates. I entirely concur with my noble and learned friend in acknowledging their integrity, their legal capacity, and their independence; but, my Lords, we are not legislating alone for the present moment. We are not to confine our view to the present hour. We are legislating for the future. What is the first step taken by an arbitrary Government? To appoint men who shall be subservient to and carry into effect the will of their superiors. I beg your Lordships to consider what the consequences will be under such circumstances, if this Bill of my noble and learned friend should pass into a law. But it is said that there are exceptions in this Bill. There are exceptions, but they do not provide for one-twentieth part of the cases which may be made use of by an arbitrary Government for inflicting vengeance upon its political opponents. Cases under the Riot Act, and a variety of other cases that will occur to the mind of my noble and learned friend, are not excepted in the clauses to which I have referred; and I say that enough there remains to give ample scope to an arbitrary Government to inflict vengeance upon its political opponents. It is harmless at the present moment, but will it always be harmless? It is our duty to provide against all contingencies, and not to suppose that the present harmony and the present smoothness of the Government will always continue. But, again, my Lords, how will this Bill of my noble and learned friend be received by the other House of Parliament? We provide for ourselves. We protect ourselves by a grand jury, but the Commons of England, at least in the metropolitan district, are not protected. That protection is taken away by this Bill, but the protection of your Lordships' House remains entire. Is this legislation that ought to commence in the House of Lords? Ought we to say to the Commons of England, of every rank and station, "You shall not be protected by a grand jury, but we will take care to protect ourselves?" Again, there is no equality in this Bill; for, according to its provisions, if a complaint is made before a magistrate, and that complaint is dismissed, the prosecutor has a right to go before the grand jury and have a bill found against the accused. The prosecutor, therefore, has an appeal against the decision of the magistrate; but the accused has no appeal, for if the decision be against him, the case immediately goes before a common jury. Is there any fairness in that? If there is any favour to be shown, the general maxim of the law is to show it to the accused; but here the favour is shown to the prosecutor. These are some of the details of the Bill to which I most strongly object. But let me remind you of another circumstance. I do not consider that the advantage and use of the grand jury are confined to presenting indictments and returning true bills. They have other uses, not less important. The attendance of the grand jury on the Court adds to its weight, its dignity, its importance, its impression on the public mind. Again, no man can place greater reliance than I do on the integrity of the judges; but give me leave to say that there is no mode of keeping men within the line of their duty more certainly than by securing that their functions should be performed under the inspection of a body of men of their own station—men of learning and of observation. Again, allow me to remind your Lordships how important it is that the gentlemen of the country should, as grand jurymen, attend from time to time the administration of justice, for they thus become acquainted with the law, with the mode of its administration, and with the principles on which it is founded. We were told, I remember, on a previous stage of the Bill, by my noble and learned friend on the woolsack, that the grand jury were desirous of being re-

* Vide sup. p. 128.

lieved from the performance of these duties. I regretted to hear it, because I believe that the part which has been taken by the gentlemen of this country in the administration of public affairs, and especially in the administration of justice, has secured to the people, and still secures to them, all the advantages of the liberty which they enjoy. Nothing affords a greater security for the liberties of a country than that the business of the country should be performed by the public. It was said by the supporters of the Bill that, practically, the grand jury were of no use. How of no use? Almost in the same breath we were informed that a great number of bills which had passed the police magistrates were thrown out by the grand jury. If that be so, how can it be said that they are of no use? Again, we are told that the grand jury are ignorant men—whose fault is that? That is the fault of the sheriff; and if he misconduct himself, by not summoning proper persons to fill the office of grand jurors, he ought to be advised to review his conduct, and to amend it in that respect. Men of station, of character, and of position, ought to be summoned on the grand jury, and if ignorant men are placed there it is the fault of the sheriff or the summoning officer. The system is a great barrier of defence for the accused against false and unfounded accusations. I look upon its preservation as a matter of great importance, and I do not like to see this first step taken to break down an institution which has existed for 500 years, in the worst times, and under the most arbitrary Governments.

Lord Wensleydale said, he had raised objections to this Bill at a former stage on constitutional grounds, and those objections he still retained. Such a measure was entirely without precedent in the history of the country, and was the first step to the abolition of grand juries all over the kingdom. Even if the Bill were agreed to, it ought to receive very considerable alterations.

Lord Campbell hoped that the Lord Chancellor would not press the Bill in the present session, after hearing the objections which had been urged against it. There would be no opportunity for the other House to give that deep consideration which such a measure deserved, and, under present circumstances, it was not respectful to send it down to the House of Commons.

The Lord Chancellor said, his noble and learned friend took his stand upon the objection that the Bill would take away a great protection from the liberty of the subject, and he argued that grand juries ought to be continued for the purpose of protecting persons charged with political offences. Now, one would have thought that there was nothing whatever in the measure excluding persons charged with political offences from its operation. Yet he had carefully guarded the liberty of the subject in this respect by providing that for persons charged with political offences there should still be the intervention of a grand jury. He had introduced the measure on the ground that within the Metropolitan Police district, where magistrates who had been trained to the law, and who sat in a public court, had the accused before them, and gave him an opportunity of examining witnesses, after an investigation especially directed to discover whether there were grounds for sending a person for trial, it was not necessary to interpose a secret tribunal, with imperfect means of inquiry, which decided without having the accused before it, and whose interference was likely to be actually mischievous to the administration of justice. He would not detain their Lordships by recent instances of the truth of this position, yet there had been cases which strikingly proved that grand juries in the metropolis were not only of no use, but were actually mischievous. His fear was, that persons might wish to extend this measure to grand juries in the country, which he should deprecate, believing it to be extremely important that the services of country gentlemen should be retained in the administration of justice. In the present state of the session it was perfectly hopeless to expect to pass this Bill through the House of Commons. He should therefore now withdraw the Bill, but he trusted he might be able to introduce a similar measure at a very early period of next session.

Lord Overstone wished, before the Bill was withdrawn, to say that the calm deliberation and patient investigation requisite for the due discharge of judicial duties could not be expected from these grand juries. He had once served upon one of them himself, when they had 400 bills placed before them, and fresh prisoners came in from the various metropolitan districts more rapidly than the grand jury could dispose of the bills requiring their attention. A summons to act as a grand juror was dreaded by every merchant and trader, for it often produced an interruption to his business, extending over nine or ten consecutive days. The system operated most oppressively towards an industrious and most important class, without in any way furthering the ends of justice. He trusted, therefore, that this measure, proposing so desirable an improvement, would be revived on the reassembling of Parliament.

Earl Grey also hoped that the noble and learned Lord on the woolsack would reintroduce this Bill at an early period of the next session. He was convinced that few practical reforms of the law would be more valuable than this one. The present system of grand juries in London had been shown to operate as an instrument for enabling many notorious criminals to escape from justice. It was not only useless, but mischievous. Nobody could suppose that when the evidence had been carefully examined by a trained police magistrate, and the prisoner duly committed for trial, the grand jury would pay the same attention to the case as if it had merely been heard before an ordinary justice of the peace.

The order for the second reading of the Bill was discharged.

Affidavits by Commission, &c., Bill.

The Bill was read a second time; the committee fixed for Monday.

Nottingham Charities Bill.

The Bill was read a second time.

Savings-Bank (Ireland) Bill.

The Bill passed through committee.

Monday, April 11.

Concentration of Courts.

Lord Redesdale, in moving that there be laid before their Lordships a plan of the ground proposed to be appropriated by the Hon. Society of Lincoln's-inn to the courts and other buildings for the transaction of the business of the Court of Chancery, under the provisions of the Court of Chancery Accommodation Bill, now before the House, and plans and elevations of the said courts and buildings, observed that he thought it advisable that the accommodation of the courts of law generally should be fully considered. The accommodation for the courts at Westminster and elsewhere was quite inadequate to the requirements of the country, and it was extremely desirable that something should be done to remedy this evil. A petition had been presented to their Lordships from the Incorporated Law Society, directing attention to a very much larger scheme for combining together all the courts of law and equity. He would not now inquire how far it was just and proper to apply, as was proposed, a portion of the Suitors' Fund for the carrying out of the projected improvements; but he must say, the location of the courts of law in close proximity to the Houses of Parliament was by no means a disadvantageous arrangement. In his opinion, it would be more desirable to seek the increased accommodation required in the neighbourhood of Westminster than to transfer the courts to another quarter of the town, and he thought a suitable site for the purpose might easily be obtained between King-street and Parliament-street.

The Lord Chancellor must remind their Lordships that those plans were as much the property of the Society of Lincoln's-inn as any plan for the improvement of a gentleman's estate was the property of that gentleman. When the two additional Vice-Chancellors were created the Society of Lincoln's-inn, at its own expense, built two courts for their temporary accommodation, but he believed that those courts, if they were not very soon pulled down, would fall of themselves. The Act of 1852 abolished Masters in Chancery, and a great proportion of the business was now done by the judges in the Court of Chancery and by their chief clerks in chambers. Rooms had been taken for the chief clerks, but they were very inconvenient, and he believed that the efficiency of that most important public measure of 1852 had been very considerably impaired, owing to the want of proper accommodation. It was absolutely essential, in order to carry out the system provided by that Act, that the chief clerks should have chambers near their courts, in order that they might have ready and constant access to them. The Society of Lincoln's-inn proposed to give a site, and to erect proper courts and proper chambers, provided they were guaranteed 4 per cent. on their outlay and on the loss of the rent which they would incur by pulling down chambers. Under the Act of 1852 the Lord Chancellor had the power of applying a portion of the Suitors' Fee Fund for the purpose of providing courts and offices, but he could only apply that fund from year to year, and the Society of Lincoln's-inn desired to be secured for their outlay by having a term of years granted, and that was the only ground which rendered an application to Parliament necessary. He should have thought that a measure of this urgency would have been accoded to immediately,

and so it would, he believed, but for a larger scheme having been propounded, the object of which was to clear away about seven acres of buildings between Carey-street and the Strand, and to bring all the courts of law and equity together upon that spot. That might or might not be a very desirable object, but the means suggested for accomplishing it seemed to be of such a character that it would be his duty to oppose it; because, as he understood, the Incorporated Law Society proposed to take £800,000 from the Suitors' Fee Fund of the Court of Chancery, and to apply it to that purpose. His noble friend at the head of the Government had consented to grant a commission to inquire into the expediency of concentrating those courts, and into the means by which it could be effected, and he believed that the result of the inquiry would be, to show that the Suitors' Fee Fund had to bear charges to such an amount, that there was no surplus which could be appropriated to this purpose. But supposing that such a plan should be deemed desirable, and that funds could be found for accomplishing it, how many years, he asked, must elapse before it could possibly be carried out; while the suitors of the Court of Chancery and the public generally were suffering from the want of the accommodation which was so much required? This limited scheme which he had introduced would not interfere in the slightest degree prejudicially with the larger plan, because the Courts to be erected in Lincoln's-inn under his Bill would only be about 200 yards from the site which was suggested in the new plan.

Lord Cranworth agreed that the working of the Act of 1852 was much impeded by the present state of the Courts; and for that reason he highly approved of the measure which the Lord Chancellor had laid before Parliament. But he saw no reasonable objections to the plans being produced for the information of Parliament and the public.

The motion was negatived.

Tuesday, April 12.

Superannuation Act.

This Bill was read a second time.

Public Offices Extension.

This Bill was read a second time.

Combination of Workmen.

This Bill was read a second time.

The Indemnity Bill, the Nottingham Charities Bill, and the St. James' Baldersley Marriages Validity Bill, were read a third time.

The Municipal Election Bill

This Bill was read a second time.

Thursday, April 14.

The Admiralty Court.

The Lord Chancellor, in reply to a question from Lord Cranworth, stated that his attention had been called to the necessity of opening the practice in the Court of Admiralty to the bar generally and to attorneys, and that a Bill had been prepared, and would, he had hoped, have been introduced into the other House of Parliament before now, having that object in view.

Superannuation Bill.

This Bill passed through committee.

The Combination of Workmen Bill.

This Bill passed through committee.

The Affidavits by Commission Bill.

This Bill was read a third time.

Municipal Elections.

This Bill passed through committee.

HOUSE OF COMMONS.

Friday, April 8.

The Sale of Poisons Bill, the Sale and Transfer of Land (Ireland) Compensations and Stamps Bill, the Sale and Transfer of Land (Ireland) Bill, and the Receivers in Chancery (Ireland) Abolition Bill, were withdrawn.

The Local Government Supplemental Bill.

This Bill was read a second time.

The Pauper Maintenance Act Continuance Bill.

This Bill passed through committee.

The Confirmation and Probate Act Amendment Bill.

This Bill was read a second time.

Law of Property and Trustees Relief Amendment Bill.

The House went into committee on this Bill.

Mr. Rolt hoped that at this period of the session the Bill would not be proceeded with. There were many clauses requiring great consideration.

Sir S. Northcote wished, before his hon. and learned friend rose, to add, that the Bill seriously affected the interests of the Crown and the revenue departments. It would, therefore, be more convenient that the Bill should be withdrawn and brought forward in a new Parliament.

Sir F. Kelly regretted that there should be any opposition to the passing of this Bill, which had twice received the sanction of the House of Lords, after much discussion and investigation, and which in its main features was approved by all the most eminent lawyers in Parliament and in the country. Looking, however, to the present state of the House and the session, he felt bound, although with unfeigned regret, to acquiesce in the suggestion of his hon. and learned friend and withdraw the Bill.

The Bill was then withdrawn.

Combination of Workmen Bill.

The Bill was read a third time and passed.

Monday, April 11.

Private Bills.

On the motion of Mr. Fitzroy, it was resolved that promoters of private Bills should have leave to suspend any further proceedings thereupon in the present session, in order to proceed with the same Bills in the next session of Parliament.

Local Government (Supplemental) Bill.

This Bill went through committee.

Pauper Maintenance Act Continuance Bill.

This Bill was read a third time and passed.

Confirmation and Probate Act (1858) Amendment Bill.

This Bill went through committee.

Railway Tickets Transfer Bill.

The House then went into committee on this Bill.

Tuesday, April 12.

Vexatious Indictments.

A Bill on this subject was brought in by Mr. Mellor, and read a first time.

Wednesday, April 13

Convict Prisons (Abroad) Bill.

The clauses of this Bill were agreed to in committee without amendment.

Vexatious Indictment Bill.

On the motion of Mr. M'Mahon, who stated various objections to the provisions of this Bill, the order for the second reading was discharged.

Thursday, April 14.

Convict Prisoners (Abroad) Bill.

This Bill was read a third time and passed.

Mr. Walpole called attention to the report of the select committee on the Jews Act, and moved the resolution recommended therein, namely—that, on the meeting of a new Parliament, no resolution, in pursuance of the Act, to admit Jews to take the oath, omitting the words, "on the true faith of a Christian," be taken into consideration till 12 o'clock on the fourth day of the House meeting for the purpose of taking the oaths appointed by law.

The motion, after a short discussion, was agreed to, and the resolution was ordered to be made a standing order of the House.

Offences against the Person.

The Attorney-General asked leave to introduce a Bill to consolidate and amend the statute law of England and Ireland relating to offences against the person. At the present late period of the session and of Parliament he would not make any detailed statement. The Bill which he now produced was one of a series which, if sanctioned by Parliament, would accomplish a complete consolidation of the entire statute-law of the United Kingdom. The present Bill, and six others which he should also move to bring in, would consolidate, and to a

considerable extent amend, the criminal law both of England and Ireland. He hoped that in the first session of the new Parliament these Bills would be again introduced and become law, and that before long there would be an entire consolidation of the statute law.

Mr. Whiteside said, that the Bills abolished the punishment of death in ten cases, preserving it only in the cases of treason and murder. The law of England and Ireland was assimilated, very much in favour of the latter country.

Leave was given to introduce the Bills, which were brought in accordingly.

PRIVATE BILL LEGISLATION.

The following important Standing Orders of the House of Commons were, on Tuesday, printed with the votes:—

PRIVATE BILLS.

Ordered,—That the promoters of every Private Bill which has been introduced into this House, or brought from the House of Lords, in the present session of Parliament, shall have leave to suspend any further proceeding thereupon, in order to proceed with the same Bill in the next session of Parliament.

Ordered,—That the promoters of every such Bill shall give notice in the Private Bill Office, not later than the day prior to the close of the present session, of their intention to suspend any further proceedings thereon; or, in the case of Bills which shall have been suspended on the report of a committee, or which, having passed this House, shall then be pending in the House of Lords, of their intention to proceed with the same Bill in this House in the next session.

Ordered,—That an alphabetical list of all such Bills, with a statement of the stage at which the same were suspended, shall be prepared by the Private Bill Office and printed.

Ordered,—That, not later than three clear days after the next meeting of Parliament, every Bill which has been introduced into this House shall be deposited in the Private Bill-office, in the form required by Standing Order No. 156, with a declaration signed by the agent annexed thereto, stating that the Bill is the same in every respect as the Bill with respect to which proceedings have been so suspended, at the last stage of its proceedings in the House, in the present session; and where any sum of money has been deposited, that such deposit has not been withdrawn, together with a certificate of that fact from the proper officer of the Court of Chancery in England or Ireland, or the Court of Exchequer in Scotland, as the case may be.

Ordered,—That such Bills, endorsed by one of the clerks in the Private Bill-office, as having been duly deposited with such declarations and certificates annexed, be laid by one of the clerks of that office upon the table of the House, in the next session of Parliament, in the order in which they shall stand upon such list, but not exceeding fifty Bills on any one day.

Ordered,—That in respect of every Bill so laid upon the table, the petition for the Bill, and the order of leave to bring in the same in the present session, shall be read, and thereupon such Bill shall be read a first time, and a second time (if the Bill shall have been read a second time previously to its being suspended); and if such Bill shall have been reported by any committee in the present session, the order for referring the Bill to a committee shall be dispensed with, and the Bill ordered to lie upon the table, or to be read a third time, as the case may be.

Ordered,—That in case any Bill brought from the House of Lords in the present session, upon which the proceedings shall have been suspended in this House, shall be brought from the House of Lords in the next session of Parliament, the agent for such Bill shall deposit in the Private Bill-office, prior to the first reading thereof, a declaration, stating that the Bill is the same in every respect as the Bill which was brought from the House of Lords in the present session; and where any sum of money has been deposited, that such deposit has not been withdrawn, together with a certificate of that fact from the proper officer; and so soon as one of the clerks in the Private Bill-office has certified that such deposit has been duly made, the Bill shall be read a first time, and be further proceeded with in the same manner as Bills introduced into this House during the present session.

Ordered,—That all petitions presented in the present session against Private Bills, and which stood referred to the committees on such Bills, shall stand referred to the committees on the same Bills in the next session of Parliament.

Ordered,—That no petitioners shall be heard before the committee on such Bill, unless their petition shall have been presented within the time limited in the present session.

Ordered,—That in case the time limited for presenting petitions against any such Bill shall not have expired at the close of the present session, petitioners may be heard before the committee on such Bill, provided their petition be presented previous to, or not later than, seven clear days after the second reading thereof in the next session.

Ordered,—That all instructions to committees on Private Bills in the present session which shall be suspended previously to their being reported by any committee, be instructions to the committee on the same Bills in the next session.—(Mr. Fitzroy.)

Ordered,—That the said Orders be Standing Orders of this House, and be printed. (No. 206.)

RAILWAY LEGISLATION.

Ordered,—That the committees on Railway Bills shall direct their attention especially to the following heads of inquiry, and shall require evidence from the promoters thereon; namely—

1. The financial arrangements made or proposed by the company formed for the execution of the railway; the number and amount of shares actually subscribed for or agreed to be taken; the amount of share capital and of loans proposed to be authorized; and the sufficiency of the estimate for the works.

2. The merits, in an engineering point of view, of the proposed railway; the character of the gradients and curves; the number and extent of the tunnels, if any; the planes, if any, to be worked by assistant engines; the crossings, if any, of public roads on the level; and any peculiar engineering difficulties, with the modes proposed for overcoming them.

3. The degree of favour or objection with which the project is regarded by the landowners and others in the neighbourhood of the proposed railway.

Ordered,—That every committee on a Railway Bill shall report specially to the House—

Whether any report from any public department in regard to the Bill, or the objects thereof, has been referred by the House to the committee; and, if so, in what manner the several recommendations contained in such report have been dealt with by the committee.

Whether it be intended that the railway shall cross on a level any turnpike road or highway; and any other circumstances which, in the opinion of the committee, it is desirable that the House should be informed of.—(Mr. Fitzroy.)

Communications, Correspondence, and Extracts.

IMPRISONMENT BY COUNTY COURT JUDGES.

To the Editor of The Solicitors' Journal & Weekly Reporter.

Sir,—The thanks of all who desire the reformation rather than the abolition of our county courts, are due to you, for reprinting in your journal of the 26th ult. the communication recently addressed to the Attorney-General by Mr. Henry Stapylton, judge of Circuit No. 2.

That letter is a candid, sensible, and manly one; it is well timed moreover, and goes far towards proving that amongst the three score there are some humane, intelligent, and upright men, who struggle gallantly against evils which they did not originate, and for which in fairness they should not be held responsible.

It was, in fact, a gentleman officially connected with several of the Northern county courts* who first drew public attention to the enormous number, rapid increase, and extreme severity of these commitments. Returns were moved for, and it was proved that, in 1855, no fewer than 6480, and in 1857 no less a number than 10,607 of our poorer fellow-citizens of both sexes were sent to gaol for debts which, on the average, did not amount to £2 12*s.* 1*d.*,† and sank from that sum down a nicely graduated sliding scale to 30*s.*, 20*s.*, 15*s.*, 10*s.*, and thence to 7*s.* 6*d.*, 5*s.*, 2*s.* 6*d.*, and 1*s.* 8*d.* It is but right to say, however, that no woman has been sent by a county court judge to prison and there confined like a common felon in the misdemeanants' ward, for a lesser debt than twenty pence.‡

The Lord Chief Baron of the Exchequer told the Bedfordshire grand jury, on the 14th March last, that, "formerly the suitor paid for the gratification of sending his debtor to prison by sustaining him while there out of his own pocket, but that now under the operation of a statute passed very recently, the expenses of the prisoners' maintenance are directed to be paid by the Treasury, and that since that time the commitments have very much increased." Too true, sir, they have increased, they are increasing, and they ought to be diminished. "The sustenance of each debtor," continued the Lord Chief Baron, "is estimated at 10*s.* 6*d.* per week. Now the judge of the county court has no power to commit beyond the term of forty days, but he has the power at the expiration of that time to commit the debtor again; and we have an example in which a man was first committed on the 9th November, 1856, and has been since committed and recommitted no less than eight times for the same debt; viz. five times for thirty days, and three times for forty days. During all this imprisonment he has cost the county 10*s.* 6*d.* a week for sustenance. I think the debtor in this case, who is now sixty-four years of age, has been thirty-eight weeks in prison—why a man might not have had more than that for a small felony! The original debt only amounted to 2*l.* 5*s.*, and this has been increased by costs to 4*l.* 14*s.* 6*d.* In January of the present year he was committed the last time for forty days, and there appears as if there would be no end to it. I find in the year ending

* J. A. Busfield, Esq., of Upwood, near Bingley. See his letters to the "Times," February 26 and March 8, 1859.

† See returns moved for by Lord Brougham, and printed February 9, 1859. The total amount for which plaints were entered in 1857 was, £1,937,745, the total number of plaints being 744,652; £1,937,745 ÷ 744,652 = £2 12*s.* 0½*d.* This calculation, moreover, assumes as certain what is, of course, impossible, viz. that every penny of the sums demanded was justly due to the respective claimants.

‡ Thanks to the active and persevering humanity of Mr. W. B. Hughes, M.P., we have some prospect of a mitigation of this tyranny. On the 7th instant, Mr. Hughes elicited from the Attorney-General an avowal that "he had looked into the County Court Act, and had found that debtors, before they were imprisoned, ought to be declared guilty of some misconduct or other. But he had also found that the county court judges had power to imprison, if any answer made to a question put to a debtor should turn out to be unsatisfactory; and he had been told that some judges—certainly not all—were in the habit of exercising such power. The Government had already instituted an inquiry, with a view of ascertaining how the law was administered, and it would be his duty to take care that none but fraudulent debtors should be imprisoned."—("Times," April 8, 1859.)

Michaelmas last," added his Lordship, "that there were committed no less than eighty-six males and thirty-one females, and that the whole amount of their united debts was but 278*l.* 9*s.* 9*d.* This, on the average, would be little more than £3 for each person. I really do believe, gentlemen of the grand jury, it would have been a matter of economy on your part, if you had met the suitor at the door of the court, and said, 'Here is your money, and don't bring the man here any more.'" The grand jury heartily re-echoed the sentiments of the Lord Chief Baron, and declared that, "although no doubt the judge had great difficulty in enforcing attention to the claims of creditors suing in his court, and had exercised his power of repeated commitments as the readiest means, in his view, of punishing default, his authority had, in fact, become the source of great cruelty and oppression, and gave to vindictive creditors the opportunity of punishing debtors with a severity which, if sanctioned by the statute, was little consonant with justice, besides imposing a heavy and unnecessary expense upon the county." Sir, this plain speaking not a little riled the Bedford County Court judge, who, a few days afterwards, declared, authoritatively, that "no blame was to be attached to the judges, since, if persons got into debt, and were unable to pay, it was their duty to commit them to prison." This, by the way, sir, is not quite the case. To punish fraud or recklessness is indeed the province of a magistrate; but he is not bound to imprison folks for mere inability to pay. A wide discretionary power has been accorded to him by the Legislature, and he should use it firmly, but at the same time mercifully, and not mistake the promptings of an arbitrary temper for the voice of duty. The learned gentleman continued his harangue, and I regret exceedingly to be compelled to add, that after contending that "his conduct ought not to have been made a matter of comment by the Lord Chief Baron, since, if there was any ground of complaint, the parties aggrieved [farm-labourers, working mechanics, and poor women] might memorialise the Houses of Parliament;" he went on to say that "*he should in future pursue the same course that he had hitherto done.*" The chairman of the quarter sessions next took up the matter, and hinted that as all his audience must be well aware, "when a poor man received a piece of paper, he sometimes did not know what it was, he consequently did not appear upon the court day, and was at once committed."*

But if things are bad in Bedfordshire, they are worse at Durham and on the Northern border. Mr. H. Stapylton, in the course of his argument, for the repeal of that oppressive clause, which empowers county court judges to commit defendants who do not reside within their own districts, thus continues:—

"*I have known many instances of labouring men and mechanics living in the county of Durham, committed for forty days for non-appearance to a summons after judgment issued out of courts from 50 to 300 miles from the county of Durham.*"

"*The judges must have acted on the ex parte evidence of the plaintiffs; and what possible evidence could they have had that the defendants—working men—had the means to travel 50 to 300 miles, and refused to do so?*"

What, indeed? The naïveté of such a question would disarm one's indignation were the abuse of magisterial authority one whit less flagrant. But Mr. Stapylton contends, and not unplausibly, that "if tradesmen did not give credit to workmen off work until they receive their first pay, the distress and misery now too often prevalent amongst the working orders, many of whom," he adds, "are very improvident, would be much increased." "Halt there!" I answer—"dolus latet semper in generalibus." If "shopkeepers would not give *any* credit to artificers or labourers out of work, or on the sick list, unless this boundless right of incarceration be continued to them, there might be some faint cause for apprehension. But surely, sir, the fact is quite the other way. The real misfortune is, that they not only do give credit, but that they give it very recklessly indeed. Hear, once again, the Bedfordshire grand jury—"We have no doubt of the truth of the statements we have heard from county court debtors, that packmen and itinerant sellers of female wearing apparel and finery, are in the habit of leaving their goods in the houses of the poorer class in the hope that, though they have declined to purchase in the first instance, they may be tempted to use or wear the articles, and thus become liable as purchasers. Long credit we hear, also, is given by these dealers with a view of disposing of very inferior goods at very high prices."† 'Tis true, sir, "all the world is not, and can't be, Little Pedlington;" but though unquestionably travelling packmen and petty shopkeepers are very valuable members of the community, are they the only Englishmen for whose protection Acts of Parliament are framed?

"But," says Mr. Stapylton, after instancing the high rates of wages amongst the Northern agriculturalists, "at Shotley Bridge puddlers earn 6*s.* a day; rollers, 10*s.*; and shearmen, shinglers, and ball-furnace men, 14*s.* a day; and is it cruel or unjust to compel them to pay 4*s.* or 10*s.* a month, and to send them to prison if they won't?" "No, Mr. Stapylton, emphatically no,—so to act would merely be to exercise legitimate authority, firmly, indeed, but not with harshness or oppressively." But that,—excuse me, sir,—is what too many of your colleagues don't do.* They will not have patience, or bear in mind the maxim of the wise man, "He that answereth a matter before he heareth it, it is folly and shame unto him. Until quite recently, it was not at all unusual to despatch 300 cases in a single day, being at the rate—supposing the judge to sit ten hours, without one single instant's intermission—of just two minutes on the average for plaintiffs, defendants, and their respective witnesses.† The Commissioners of Inquiry, thinking this extreme celerity was not unlikely to verify the good old proverb, "the more haste the worse speed," recommended,—what? "That not more than 150 cases should be decided in one day, or more than fifty fixed for any given hour."‡ Now, how does even this amended state of matters answer?

"It is positively heart-rending," writes one of my Northern correspondents, within the last few weeks—"It is positively heart-rending to think of the misery this cruel law inflicts on poor and destitute people."—I have the honour to be, Sir, your faithful servant,

B. Blundell, F.S.A.

Library, Law Institution, London,
April 14, 1859.

LEGAL HONOURS.

To the Editor of The Solicitors' Journal & Weekly Reporter.

Sir,—My letter, which appeared in your journal of the 26th ult., appears to have drawn attention to the question, whether, under existing circumstances, legal honours can ever become of any real service, utility, or lasting credit? The reason they cannot is obvious. The reward adjudged to the student for his labour and application remains, to all but his immediate friends, a profound secret. He has no right, ex cathedrâ, to attach an initial to his name, by which it may be known that he has distinguished himself above his fellows. Is it just that the idle and indolent clerk, who neglected his studies and shirked his duties, but by dint of a month or twos cramming, and a little merciful forbearance on the part of his examiners, barely manages to escape being plucked—I say, is it fair that he should take precisely as high a standing as one who has been a useful clerk and hard reader, and by deep study and research into the laws of his country eventually acquires a profound knowledge of his profession, and is rewarded by the encomiums of his examiners, and the gratification of *secret* honorary distinctions?

Using the word *secret* in its strict sense, I have now to inquire why it should be a secret? Is it a crime to have gained the title of a good lawyer? Surely the public ought to have some means of distinguishing those who, from their higher attainments, would be best able to render them the most efficient assistance.

In our colleges and public scholastic institutions, those who gain honour are authorised to affix initials to their names. But why are attorneys, as a body, behind every other class of the age? No body is more apathetic and impassive—none more neglectful of its own honour and interest. Attacked on every hand—its interests and emoluments daily curtailed and diminished—the butt of the bullying barrister, and the invariable victim of the modern system of botching and patching law reform; and, with the most ample opportunities of wielding great power, and exercising almost unlimited influence in the State, it has not even one champion to raise his voice for its rights and privileges.

Let us not, however, forget that we have rights—that we

* See "Bedfordshire Mercury," March 14 & 28, 1859.
† Ibid.

* One marked exception to this sad rule—there are, I hope, many others—was named to me by a poor prisoner within the last few days:—"Mr. ——— (the son of a late excellent Baron of the Exchequer) is a kind gentleman; he does his duty, but he will listen to a chap before he quods him."

† 60×10 = 600 ÷ 300 = 2.

‡ Report of County Court Commissioners of Inquiry, vol. xviii. 1854-5, p. 32.

have earned honours; and in using our energies to effect our particular object, one end will assuredly be gained—the dignity of the profession will be elevated.

In matters which affect the many, one, to commence with, must pioneer the way. I offer my humble services to be that pioneer, and beg to refer my readers to the advertisement column for the article headed "Legal Honours," and trust the movement may meet with that success it really deserves.—I am, Sir, your obedient servant, ONE WHO GAINED HONOURS.

Ely-place, April 12, 1859.

OFFICIAL LEGAL PATRONAGE.

To the Editor of THE SOLICITORS' JOURNAL & WEEKLY REPORTER.

SIR,—Hardly have we recovered from the prejudice created by the Lord Chancellor's appointment of his son-in-law, Mr. Higgins, to a Mastership in Lunacy, without his possessing any known legal qualifications for the post, than I am afraid the public in general, and we lawyers in particular, are called on to mourn over another disregard in the same quarter of the appointing "the right man in the right place."

Who is Camille Felix Desiré Caillard, Esq., the newly-appointed judge for the Bath County Court district? Beyond seeing his name in the Law List as a conveyancer and equity draughtsman, I never heard of him before, nor the public either I suspect. Not but that, of course, in his private character he may be, and probably is, everything desirable; but is a young conveyancer and equity draughtsman the "right man" to be publicly appointed to a court dealing exclusively in common law matters? for you, sir, will remember that questions of title are excepted from the jurisdiction of county courts, so that the newly-appointed judge will never see an equity pleading, and scarcely ever a conveyance, in his court at all. Was it fair or just thus to "shelve" the claims of the Western Circuit, many of whose members would have proved very efficient men for the post, or, in fact, of the whole common law bar at large, and to go out of the way to appoint a Chancery junior?

Only on Friday night last was the Lord Chancellor's discretion again called in question in the House of Commons, as to his new magisterial appointments (for Hereford), so that it really seems as if there was something "rotten" in the state of the Chancellor's appointment lists.—I am, Sir, your obedient servant, JURISCONSULTUS.

April 11, 1859.

[We are not surprised at the feeling expressed in the above letter concerning the appointment of Mr. Caillard. We have heard but one opinion on the matter.—ED. S. J.]

The Provinces.

KNARESBOROUGH.—*Funeral of Samuel Powell, Esq.*—In our impression of April 9, we inserted the death of S. Powell, Esq., who was understeward of the courts for the Honor of Knaresborough since 1813, on his appointment by the late Duke of Devonshire, and also clerk to the magistrates for the wapentake of Claro for half a century. Mr. Powell was also deputy clerk of West Riding lieutenancy for the division of Claro, under five Lord Lieutenants; clerk to the Commissioners of Land and Assessed Taxes, and returning officer for the borough of Knaresborough. He had been in practice sixty years, having been admitted as a solicitor and commissioner in the Court of Queen's Bench and Common Pleas in the year 1799. His remains were interred in the family vault in Knaresborough churchyard, on Monday the 4th inst. The funeral procession included upwards of 150 gentry and tradesmen in the town, and many from a considerable distance. Mr. Powell was in his eighty-second year. He was a supporter of all the public institutions and charities in the town, and his uniform kindness and liberal disposition on all occasions endeared him to a large family circle and acquaintance, by whom his loss is deeply lamented. As a further testimony of respect to his memory, the tradesmen in the town closed their shops during the funeral.—*Leeds Mercury.*

LEEDS.—*State of Crime.*—From the returns made to the Watch Committee it would appear that there has been a considerable increase in the number of crimes reported during the last six or seven years, whilst the per-centage of detections has decreased almost pro rata. The increase last year was very marked, and the per-centage of detections fell below that of any preceding year, but both these facts were accounted for on the grounds that a large number of robberies from the person and petty thefts were committed, as might have been anticipated, during the excitement of the Royal visit, by strangers, who only remained in the town a few hours, and thus evaded detection. The sub-committee next proceeded to make several valuable recommendations to the Watch Committee. They pointed out the evils incident to the marine-store system; alluded also in passing to the necessity there existed for greater caution on the part of the pawnbrokers, as a body; condemned the practice of the police in allowing known haunts and resorts of acknowledged thieves to exist in our midst without let or hindrance—a practice which the committee considered to be a kind of premium for crime; inveighed against the laxity of the detective force of police, and recommended a more active and energetic supervision of that body; recommended that the public-houses, and especially those places of entertainment which had only an indifferent reputation, should be more jealously watched; insisted upon a better system of bookkeeping being adopted at the police office; and in conclusion hinted that it was highly desirable that the borough justices should deal more strictly and uniformly with vagrants and known thieves. These were among the principal recommendations of this exceedingly valuable report, and the necessity for them was amply demonstrated by various examples and illustrations. We also understand that the state of crime in the borough during the past winter has been very unsatisfactory, but that there is an improvement, both as regards the diminution of crime and the increase of detections.

WARWICK.—At the quarter sessions, the chairman, Mr. Dickins, read to the Court the following letter which he had received from Mr. Walpole.

SIR,—I am directed by Mr. Secretary Walpole to inform you that the memorial of the justices of the peace for the county of Warwick, in quarter sessions assembled, "protesting against any alteration in the accustomed manner of holding assizes at Warwick for the whole county of Warwick beyond the limits of the borough of Birmingham," has received his careful consideration, as well as the statements made by the deputation when the memorial was brought to this office. It appears to Mr. Walpole that some misapprehension exists on the part of the magistrates with respect to the intentions of the Government in this matter, and he therefore hastens to assure the magistrates, through you, that it is not proposed that the civil business of the assizes for the whole county of Warwick should be removed to Birmingham, but for that part of the county only the business of which can be more conveniently transacted at Birmingham than at Warwick. For this purpose it is intended that the assizes should be held at Birmingham by adjournment from Warwick. A copy of a resolution, agreed to at a meeting of the Town Council of Birmingham, is enclosed, from which the magistrates will perceive that the cost of providing an assize court, and suitable lodgings for the judge, will be defrayed by this council, and that the county of Warwick will not be subjected to any expense on this account. Mr. Walpole is desirous that the magistrates should feel satisfied that, on sanctioning the arrangements which he may have thought necessary for facilitating the administration of civil justice in Birmingham and its immediate neighbourhood, he would not have done anything which in his judgment was likely to affect the interests of the other parts of Warwickshire, without previous communication with the lord-lieutenant and the magistrates of the county.—I have the honour to be, your obedient servant, H. WADDINGTON.

WORCESTER.—At the quarter sessions last week the Finance Committee of the magistrates called the attention of the Court to the large balance due to the treasurer, which arose from the non-payment by the Lords of the Treasury of the expenses of criminal prosecutions for the year 1858, amounting to £3528; and recommended that application should be made for the more regular payment of those moneys. They also alluded to the great hindrance to the due administration of justice occasioned by the low scale of fees paid to policemen, officers of gaols, and witnesses generally. The Court ultimately resolved that a representation be made to the Home Office, that in the opinion of this Court the scale of allowances to prosecutors and witnesses at assizes and sessions is insufficient, and acts as a material obstacle to the administration of justice throughout the country; and that the chairman and five members of the police committee be requested to present the same.

Ireland.

APPOINTMENTS AND PROMOTIONS.

Her Majesty's advisers, after some delay, have resolved not to neglect the opportunity of appointing a judge of the Landed Estates Court, to fill the vacancy caused by the death of Judge Martley. Their argument is that, although there is not enough business now before the Court to occupy three judges, yet the business may possibly increase. Mr. W. C. Dobbs, Q.C., who is to receive the appointment, was called to the bar in 1833; is M.A. of Trinity College, Cambridge; has been for many years Crown prosecutor on the north-east circuit; became M.P. for Carrickfergus in 1857; and was appointed Q.C. in Trinity Term, 1858.

There is in Ireland a law officer of the Crown in rank next

under the Solicitor-General, called the "Law-Adviser," whose duties are of an important character, and whose emoluments, depending to some extent on the number of State prosecutions, &c., may amount from ten to fifteen hundred a-year. Mr. Robinson, Q.C., a near relative of Attorney-General Whiteside, has hitherto been Law-Adviser to the present Government; and it appears that he considered that he had a claim to the judgeship just filled up, in succession to the Attorney and Solicitor-General, and in the event, which has happened, of neither of them accepting promotion. On the vacancy being filled up last week without reference to Mr. Robinson's supposed claims, that gentleman immediately sent in his resignation. In his place Mr. A. Vance, an able common lawyer, and brother to the member for the city of Dublin, has been appointed Law-Adviser.

Immediately on the resignation of Mr. Robinson it so happened that the death of Mr. H. Hutton occurred, which caused a vacancy in the chairmanship of the county Roscommon—an appointment worth £900 a-year, with liberty to practise. This office has been conferred on Mr. Robinson, so that he will be in some measure consoled for his recent disappointment. We have often taken occasion to remark, that these county chairmanships, involving high remuneration for very little work—the sessions for civil and criminal business being held only once a quarter—are abuses which require regulation; but they are found by successive Governments so convenient for rewarding supporters, that there is not the slightest disposition at head quarters either to diminish the emoluments or to increase the labour. A circuit once a month ought to be performed in each county, as in England; and the judge should be prohibited from practising at the bar.

A stipendiary magistrateship is vacant by the demise of Mr. John H. Sheil, resident magistrate for the county of Meath.

COURT OF BANKRUPTCY.

A letter has been addressed by a solicitor to a morning journal—and not the first to the same effect—complaining of the delay and difficulty arising in the transaction of bankruptcy business, through the unfrequent sittings of the two bankruptcy judges. This Court, however, has no vacation time, like other Courts; and the most persevering of men cannot be always at work. The fact is, that the Bankruptcy and Insolvency Act of 1857 has worked too well. It has brought an immense increase of business to the court, and has very greatly diminished the cost of proceedings; so that even the smallest bankrupt or insolvent estates can be brought into the court with advantage to all parties. For such a court crowded with business it is necessary that there should be, not one only, but two active judges, constantly sitting, or arrears will soon accumulate.

LANDED ESTATES COURT.

A paragraph in the last number of this journal, relative to the Landed Estates Court, is not quite correct in its statement of the staff of judges and officers. There are three judges, each of whom receives £2500 a year. For each judge there is an examiner, with a first, second, and third clerk; the first clerk acting as registrar to the judge. There is a general registrar to the Court, with an assistant and three clerks; a taxing officer, with an assistant; and a record clerk, with some subordinates. The five chief officers of the court (the taxing officer, registrar, and three examiners) receive salaries varying from £600 to £800 per annum. All the officers of the court hold their offices for life, or during good behaviour, and will be entitled to retiring allowances.

Review.

The Practice of the Court of Probate in Common Form Business. By Henry C. Coote, Proctor in Doctors' Commons. Also, *A Treatise on the Practice of the Court in Contentious Business.* By Thomas T. Tristram, D.C.L., Advocate in Doctors' Commons. 2nd edition, enlarged and improved. London: Butterworths.

With the exception of Mr. Jebb's edition of the recent Probates Act and Rules and Orders, we are not aware of any work on the practice of the Court of Probate until the appearance of that now before us. It will be observed that it is divided into two parts—one of which is, in fact, a new edition of Mr. Coote's well-known work; the other portion being contributed by Dr. Tristram, and intended to be the forerunner of a more comprehensive treatise by the same author. Mr. Coote confines himself to the non-contentious business of the Court, and under this head discusses its constitution and jurisdiction. The only fault which we can find with this part of his performance is his indulgence in a habit, becoming every day more common, of citing Acts of Parliament almost at length, instead of shortly stating their effect. The consequence, in the present instance, is, that we have the Act of 1857—under which the Court of Probate was constituted—almost twice over within the same covers, once in the shape of fragmentary sections in the chapter already referred to, and once in extenso in the Appendix. The very valuable chapters on general and limited grants, on grants de bonis non, and on supplemental grants, are for the most part free from tautology or prolixity; and, indeed, in some respects, may be regarded as admirable specimens of legal composition. But even here too free a use is made of the text of general rules, and of quotations from authors, some of whom (Mr. Justice Williams for example) are writers of considerable weight, but whose own works are the best place in which to seek their opinions. If there is to be any limit to our law libraries, there must be a little more moderation amongst legal authors in the matter of citations. About the half of almost every law book now-a-days is composed of Acts of Parliament, which cannot be very necessary to those who possess the public general statutes; and certainly one-half of the majority of law treatises is made up of *extracts* from judgments of reported cases, which might as well be spared to any one who has the Reports themselves. We should, therefore, be acting unfairly towards Mr. Coote if we did not say that we mean our observations to apply not merely to his book, but rather to the greater number of law-books that have issued from the press during the last few years. Apart from the objection here suggested, the work before us seems all that could be desired by a practitioner in his every-day practice. The arrangement of the subject matter is perspicuous and natural; and the style is always pleasant and intelligible. Our author evidently writes from a practical point of view, and as a practical man to practical men. It must not be supposed, however, that he contents himself with a statement of merely empirical results. Generally, he aims—we think with great success—at the enunciation of principles which may yield illustration and consistency to the reported cases.

We shall give an extract or two by way of specimen. One of the most curious points that has arisen in the granting of administrations, is in the case of commorientes, where the question arises as to the administration of the effects of any one of two or more persons, in immediate succession to each other, who have perished by the same calamity.

> The law upon this subject (says Mr. Coote), is in an unsatisfactory state, and imperatively calls for settlement, in this age of railway and oceanic intercommunication, and the dire calamities constantly attendant upon it. It is obvious that if a claim of succession be advanced on behalf of either of the persons in the before-mentioned category to the estate of the other, a survivorship must be shown of the successor over the predecessor. And no distinction can, we think, be rightly drawn in such cases between a claim to property, and a claim to the administration of that property. This survivorship will be matter of evidence, or rather of presumption from facts indirectly bearing upon the question.

Having cited some decisions both in the ecclesiastical and equity courts, he proceeds:—

> These decisions and dicta, in rejecting for want of evidence claims which to be good must have their foundation in a survivorship, obviously only follow a rule of law which applies to them as well as to other claims under a will or under an intestacy. But the converse does not seem equally reasonable, that, because the one claim is rejected for want of evidence to support it, the other, viz. that of the next of kin of either commorient should be sustained without evidence or presumption, though it arises out of the same circumstances and facts. There does not appear to be any reason why one rule should be applied to cases where a claim is made through and in the name of one commorient, as the survivor of the other, and another rule should be applied to cases where a third party or living person claims the succession to one commorient, independently of, and to the total exclusion of the other; why in one case satisfactory proof of survivorship must be adduced and in the other that question is laid aside, and evaded altogether. There might seem to be as much question of survivorship in the one case as in the other, whether the party applying claims through one commorient the succession of the other, or whether another party claims that succession irrespectively of and to the exclusion of the other commorient.

Owing, no doubt, to an oversight, the case of *Underwood* v. *Wing* (3 W. R. 228, S. C. 4 De G. M. & G. 633), which was decided in 1854 by Lord Cranworth, assisted by Wightman, J., and Martin, B., and is the principal authority at present on the question, has not been cited, though, from a reference in the notes, Mr. Coote seems not to have been unaware of it. Neither do we find any notice of Lord Cranworth's decision in *Webb* v. *Kirby* (5 W. R. 189, s. c.; De G. M. & G. s. c.) as to the operation and effect of administration durante absentiâ. We miss *Farmer* v. *Brock* (1 Deane, 187, s. c.; 4 W. R. 676), a curious case, where a will was pronounced for on the evidence of one witness (another being discredited), corroborated by the probabili-

ties of the case; also *Norton* v. *Bazett* (1 Deane, 259) and *The goods of Jane Webb* (Id. 1), as to the construction of the 9th section of the Wills Act, requiring the witnesses to sign in the presence of the testator and of each other; and *Scoular* v. *Ploowright* (5 W. R. 99), decided by the Privy Council in 1856. The last case is one that ought not to have been omitted, as some very nice and interesting questions, relating to the effect and evidence of the testator's ignorance of the contents of his will, were considered by Dr. Lushington, who delivered the judgment of their Lordships. *Bremer* v. *Freeman* (5 W. R. 618), and *Farlar* v. *Lane* (29 L. J. 2), two other probate cases decided by the Privy Council, it might be expected, would have been noticed in such a work as the present. The same observation applies to the case of *Evan* v. *Morris* (6 W. R. 556), in which there is a great deal of useful law, as to the difference between holograph wills and instruments written manu aliená, as to the rules which apply to erasures, obliterations, &c., and as to the distinction between erasure and interlineation. We admit, however, the great difficulty of keeping pace with the numerous current series of law reports which now exist; and we are bound to say, that, generally, Mr. Coote has discharged his laborious task with great diligence and ability.

Dr. Tristram's contribution to the book considerably enhances its value as a commentary upon recent legislation. The chapter on the contentious business of the Court will be found very useful as a guide to practitioners who are not conversant with this new department of the profession. It treats of the practice on interlocutory applications, on proceedings by petition and in regular suits, and also of the jurisdiction of county courts in contentious matters. Dr. Tristram tells us that—

> A business becomes contentious when, in a proceeding, an appearance has been entered by any person in opposition to the party proceeding; or when, in a proceeding, a citation has been extracted against a party supposed to be interested therein; or when an application for a grant of probate or administration is made on motion, and the right to such grant is opposed. In contentious business, the question at issue may be brought before the Court for its decision, either on motion or by petition, or by the more formal proceeding of a regular suit.

The treatise, therefore, proceeds upon this division, which is very convenient for all practical purposes. We can only add, that the collection of forms which is appended to the book will make it indispensable to every solicitor who does business in the Probate Court.

Societies and Institutions.

SOLICITORS' BENEVOLENT ASSOCIATION.

The second half-yearly meeting of the members of this association was held on Monday last, at the Law Institution, Chancery-lane, London. James Anderton, Esq., in the chair.

The secretary (Mr. Eiffe) read the circular calling the meeting, and also the Report of the directors, which stated:—

"The total number of practitioners now enrolled as subscribers to the association is 405; of whom 277 are resident in the provinces, and 128 in London; 195 are life, and 210 are annual members; 7 of the life members are contributors also to the annual funds of the institution.

A comparison of these figures with those contained in the previous report will show the following to have been the progress of the society during the past half-year.

The total number of new members added since October last has been 152, or an average of more than *twenty-five* members each month.

"A still larger addition of members, however, will be necessary, to enable the association, in accordance with the design of its founders, satisfactorily to commence the performance of its charitable functions at the end of the *second* year from its institution.

"The receipts during the six months have been as follows; viz.—

Members' subscriptions, inclusive of entrance fees	£761	5	0
Donations from various persons	52	4	0
Dividend on invested funds to 5th January last	22	13	6
Total	836	2	3
Balance at bankers, at the date of last report	425	12	8
Your directors have thus had a total available amount for the half-year, of	£1,261	15	2

"Out of the above amount, they have invested a further sum of £700, in the purchase of £718 15*s.* 4*d.* three per cent. Consols, in the names of the trustees, which makes the present amount of the invested funds of the association £1,753 0*s.* 6*d.*

"The payments within the past half year have been as follows, a portion of which was for liabilities previously incurred:—

Printing of prospectuses, report, &c.	£77	5	0
Stationery and office requisites	27	19	5
Postages and incidentals	81	14	2
Advertisements	27	0	6
Salary of Secretary	112	10	0
Total	£326	9	1

"The balance now remaining with the Union Bank, in favour of the association, is £235 6*s.* 1*d.*, and there is the sum of £114 9*s.* due on account of promised subscriptions."

The CHAIRMAN said, he was at a loss for words to express his sentiments with regard to the benefits and advantages of the institution, and the progress that had been made during the past year. After seventy-four years of existence, knowing something of the world and of the profession, he considered it one of the proudest moments of his life to find himself placed in the honourable situation of chairman of such an institution. Although there were many present more eminent in the profession than himself, he could assure them that none felt a stronger desire to promote the prosperity of the institution than he did. He hoped he should live to see that state of prosperity and advancement which would enable the society to afford the relief which it contemplated. While every trade and profession had formed associations for the purpose of aiding and relieving distressed brethren, it was a matter of surprise that the profession of the law should be the last amongst them. In the course of their lives, they must all have witnessed many friends, of whose hospitality they had partaken, who, from no fault of their own, had met with vicissitudes, and whose families had been compelled to resort to private charity, and some even to the parish. It must, therefore, be gratifying to know that such an institution had been originated, for the relief and support of the needy. He trusted that, during the coming year, the institution would make such progress as to enable it to meet the demands made upon its resources. He had the happiness to inform the members that the Right Hon. the Lord Mayor, though much indisposed, had promised to be present at the dinner in the evening to advocate the claims of the institution. The right hon. gentleman was a member of the association; and he was sure they must all be aware of his kind and charitable disposition. He would merely move—

"That the Report and financial statement of the directors this day submitted be received and adopted, and that it be printed and circulated with the proceedings of this meeting."

Mr. THOMAS HARRISON, Deputy-Chairman, seconded the motion.

The resolution passed *nem. dis.*

Mr. SHAEN, M.A., said, before proceeding with the resolution which he had to move, he would express the great pleasure he felt in taking part in the meeting. The charitable aspect of the association had been well put before the meeting by the chairman, but there was another aspect which was almost as inviting, and that was the fact that it was one more great attempt to unite into one body the whole scattered profession—the provincial as well as the metropolitan solicitors. Indeed, the movement, of which they now saw one of the most delightful results, was commenced as long as ten years ago, when a number of the leading solicitors throughout the country began to feel that it was necessary for them to unite, if possible, in one common body with their metropolitan brethren. That movement gave rise to the Metropolitan and Provincial Law Association, which he believed had continued for eleven years to do a very remarkable work in promoting the union of metropolitan and provincial practitioners. It was delightful to contemplate the comprehensive nature of the association in giving, as far as possible, an opportunity to all the scattered members of the profession to unite and take part in their meetings. He would just remark that the association was first of all suggested by the chairman at one of the provincial meetings of the Metropolitan and Provincial Law Association, which was held at Liverpool. They had the pleasure last year of holding a meeting in the ancient town of Bristol, and now they were holding their second half-yearly meeting in London, and had thus gone pretty nearly through the length and breadth of England in holding their meetings. The object of the managers was, as far as possible, to hold one meeting every year in

the provinces contemporaneously with the meeting of the Metropolitan and Provincial Law Association, and thus to collect together the local members who were interested in the charity in a way it would be impossible to do if the meetings were confined either to London or the provinces. Turning to the resolution he had to propose, he would add, that in framing the rules of the association, it was thought wise, as far as possible, to show the great value which the founders attached to law societies; and, therefore, a distinction was made in the terms of admission between those who were already members of some law association, and those who were not. Practice had, however, shown that the distinction was not an advantage to the charity, and it was therefore proposed to abolish such distinction. The first alteration proposed in the rules was, the addition of some words to the first rule, making it run thus:—

"The association shall consist of attorneys, solicitors, and proctors, practising in England and Wales *at the time of their admission as members.*"

This alteration was proposed because it had been found that certain gentlemen had left the profession, and were still desirous of continuing members of the association, which, as the rules at present stood, they could not do. The next alteration was simply one of arrangement—the adding rule 14 at the end of rule 2. It was proposed to abrogate rule 3 altogether. The 4th rule, as altered, would run thus:—

"Subscribers shall have the option of becoming life or annual members. A payment of ten guineas on admission shall constitute a life member, and a payment of one guinea as an admission fee, with an annual subscription (in advance) of one guinea, shall constitute an annual member."

The fifth rule, as altered, would be:—

"Annual subscriptions may date from the 1st of January or 1st of July, in each year, at the option of the respective subscribers."

The object of this alteration was, to render it more easy for persons to become subscribers after a certain portion of the year had already elapsed; and, as the only result was to cast a little more labour on the secretary, he did not think there would be much objection to it. The 9th rule, as altered, would run as follows:—

"The annual election of directors shall take place at the October General Meeting, and the board shall have power from time to time to fill up vacancies, and shall remain in office until other directors shall have been chosen in their stead."

In discussing these alterations, the directors had come to the conclusion that there were several others which might be made with advantage; but the consideration of them took place at a time too late to give the requisite notice before the present meeting. Many alterations had been suggested by members in the country, which would receive due attention before the next meeting. With these few observation, he would move:—

"That the alterations in the rules of the association, recommended by the board, and read this day, be approved and adopted."

Mr. BANNER (of Liverpool) seconded the motion. With reference to rule 3, he would say, particularly to country members, that that rule was of less importance, seeing that the directors, under rule 15, had power to appoint local committees in the country, from whom they might learn the character and standing of applicants for admission. He would urge the appointment of local committees, because he felt sure that, if that were done, they would occasion a diffused interest in the association.

Mr. W. S. COOKSON entirely approved of the alteration with reference to abolishing the distinction between those who were and those who were not members of some law society; but he felt some apprehension with regard to the entire removal of rule 3, because, under the words of the thirteenth rule, it might be considered that the directors were bound to admit as a member any solicitor in practice, however objectionable he might be.

Mr. J. S. TORR said, the point suggested by Mr. Cookson had been very anxiously considered by the board. There were several gentlemen now ready to become life members, but they would not submit to be proposed; and he thought great difficulty would arise from the retention of rule 3. It was thought by the majority of the board that the word "admit" did not imply simply a ministerial duty on the part of the directors, but that where there was a power to "admit," there must be power to reject.

Mr. E. BENHAM suggested the introduction of the words, "decide on the admission of."

Mr. J. S. TORR saw no objection to the words, "admit or reject."

The CHAIRMAN said, as the association was one of a charitable nature, he did not see any reason why they should refuse subscriptions when they were offered.

Mr. COOKSON remarked, that every subscriber might become a recipient of the charity, which distinguished it from many others. He rather liked to contemplate the society in the aspect of a mutual benefit society. He would avail himself of a suggestion of Mr. Bower (firm, Bower & Son), and propose that the third rule should run thus:—"Every attorney, solicitor, and proctor, practising in England or Wales, shall be eligible to become a member of the association on his own application, *if the directors see fit.*"

Mr. T. HARRISON said, the directors had come to the conclusion that it was not imperative upon them to admit a man who was not a desirable member. The words of rule 3 were, "shall be eligible." Every man was "eligible" to become a member of Parliament; but he must get the votes of those who were to elect him before he could become one. The same rule applied. A person might be "eligible" by being a practising attorney, but it did not follow that he would be elected. The very fact that the directors had power to admit, showed they had power to reject; because it would be unnecessary to give the power to admit, if a man were ipso facto admitted by the circumstance of his tendering either an annual or a life subscription.

The CHAIRMAN thought the time for rejection was when a man applied for relief, and not when he offered his money. They must open the door wide; otherwise they could not expect subscriptions and donations to come in as rapidly as they desired.

Mr. BOWER considered the question was not, whether they should or should not reject, but whether the words of the rule were such as to render it clear that the directors had the power to reject.

Mr. SHAEN thought nothing could be more clear than the necessity of having their rules plain and distinct. Mr. Harrison had said he was satisfied with rule 13, because he considered the power of admission included the power of rejection. This was the view taken by the majority of the directors. On the other hand, the chairman did not seem to wish that there should be any power of rejection at all.

The CHAIRMAN said, he did not wish an alteration of the words.

Mr. SHAEN thought it much more objectionable to have anything dubious in the rules, or that was likely to give rise to personal questions, than to state clearly what they meant. They all knew that, in a profession, comprising upwards of 10,000 individuals, there might be some whom they would not wish to see amongst them. If Mr. Banner would consent, he would move that rule 3 read as follows:—"Every attorney, solicitor, and proctor, practising in England or Wales, shall be eligible to become a member, subject to the approval of the directors." It seemed to him that that would meet the views and wishes of all.

Mr. BANNER had no objection to second the motion in that form.

Mr. HARRISON said, the directors had rejected one person because they thought him an undesirable associate. In two other cases, they had discussed, freely, the character of gentlemen; so that, practically, they had assumed the power that it was now thought desirable to give the board.

Mr. KELSEY (of Salisbury) advocated the views of Mr. Torr, but, at the same time, he thought the directors should have power, in strong cases, to refuse to admit members. However, under the words of the 13th rule, the directors were not compelled to relieve a member. He thought the alteration proposed by Mr. Shaen would not be so objectionable as the necessity of going to other members in order to be proposed.

A MEMBER suggested the insertion of words to the effect that no person should become a member who had been bankrupt or insolvent, otherwise the association might find itself in a difficulty from having claims made upon its funds, and in such a case, a young society might be considerably damaged.

The CHAIRMAN thought, that what had been suggested by Mr. Shaen and Mr. Cookson, and agreed to by Mr. Banner, would meet every difficulty.

A MEMBER suggested the omission of the words "admit members" from the 13th rule.

Mr. SHAEN reminded the meeting that they could not touch rule 13, as no notice had been given to that effect.

Mr. DORANT (of St. Alban's) fully concurred in the views

expressed with reference to the propriety of doing away with the necessity of being proposed. He knew there was great objection to it.

The resolution, as amended, then passed nem. con.

Mr. KELSEY moved the next resolution, to the following effect:—

"That this meeting feels gratified at the satisfactory progress which the society continues to make, and that it earnestly commends to every member of the profession the active support of the institution."

While they expressed their gratification at the progress of the society, he and his colleagues were sorry that a still larger addition of members was necessary to enable the association to commence the performance of its duties. That necessity was only to be met by the exertions of the present members; and he hoped each would take an opportunity of impressing upon his professional brethren the benefits which such an association was calculated to effect.

Mr. COOKSON seconded the motion.

A MEMBER from Exeter regretted that out of seventy or eighty solicitors in that city, only three or four were members of the association, and urged the directors to use their exertions locally in order to increase the number of members.

The resolution was carried unanimously.

Mr. BELL (president of the Liverpool Law Society) moved:

"That the best thanks of the members of the association are due, and are hereby presented, to the board of directors, for their valuable services in behalf of the institution."

He would suggest to the directors whether they could not get corresponding members in towns where the number was not large enough to form a local committee; because a corresponding member would go to his brethren with a kind of authority, and possibly induce many to join.

Mr. DORANT seconded the motion, which passed unanimously.

The CHAIRMAN appropriately acknowledged the vote.

A vote of thanks to the Council of the Incorporated Law Society, for the opportunity afforded to the association of meeting in their room, passed unanimously.

Mr. KENNEDY moved, and Mr. BENHAM seconded, a vote of thanks to the chairman for his services in behalf of the association, and for the kindness he had shown in the loan of an office for the conduct of its business, which passed unanimously.

The CHAIRMAN, in acknowledging the vote, took occasion to pay a compliment to Mr. Eiffe, the secretary, for his zeal and energy in the conduct of the affairs of the institution.

Mr. HARRISON could endorse all that the chairman had said with reference to Mr. Eiffe.

Mr. BANNER eulogised Mr. Eiffe's promptness in replying to inquiries made by country members, and also the accuracy of the information which he invariably afforded.

The resolution passed with acclamation.

An appropriate acknowledgment of the compliment by Mr. Eiffe brought the proceedings to a close.

THE DINNER.

At six o'clock in the evening, about 250 gentlemen sat down to dinner, at the Albion-hotel, Aldersgate-street, under the presidency of the Right Hon. the Lord Mayor, who was supported on his right by Mr. Cookson, Mr. Sheriff Conder, Mr. Banner, and others; and on his left by Mr. Bower, Mr. Serjeant Payne, Mr. Wordsworth, Q.C., and others.

The cloth having been removed, and the usual loyal preliminaries observed by drinking the health of the Queen, the Royal Family, and the Army and Navy,—

The CHAIRMAN then said, they had now come to what in the usual phraseology of meetings was called the toast of the evening; which was, "The Association" which had brought them together, whose first anniversary they were met to commemorate. As they were all doubtless aware of the origin, nature, and objects of the association, it was not necessary that he should dwell upon them. It originated in a want that had been long felt both in town and country; because, amidst the large body of solicitors in England and Wales, there did not exist an association collecting and embracing all the members of the profession; an association having for its object the relief of the widow and the orphan; and those who, by misfortune, had been driven from perfect competence to something like destitution. It was very true that, in several localities in England and Wales, there had been societies existing amongst members of the profession to relieve those who came within the scope of their sympathy; but a general, broad, and comprehensive society, in which all the solicitors of the kingdom could be united, did not exist till 1856; and the moment it was proposed by a benevolent friend of his (Mr. Anderton) amongst the members of the profession, with whom he was then associated for other purposes, it was felt to be an acknowledged want. It was embraced as an opportunity to do good, and nearly every member of the profession then present signified his approbation of the object, his desire to become a member, and his anxiety that there should be a general and universal fund for the benefit of poor and distressed brethren, and their widows and children. He was happy to find that the first subscription that was collected was a very large one; and he knew that it was not necessary to use arguments to induce those present, not only to enrol themselves as members, but after they left the room to invite all with whom they associated to follow their example, so that the association might be one of the most wealthy and useful in the kingdom. Was there necessity for such an association? Let any one go over the list year after year, and see the numbers that entered; and then let him reflect a little further, and ascertain what had become of many who had set out in youth with prospects of wealth and fortune, but who had been overtaken by ill-health or unforeseen circumstances—had been compelled to appeal to the Christian feeling and the kind exertions of those who had been more fortunate than themselves. But there was another aspect about which there could be no doubt. Many had left widows and children behind them, who, as long as the parent's health continued, were partakers of his labour, and lived in respectability and comfort. And would they not unite to form a fund which should be large enough to relieve every widow, and take care of every fatherless child? These were forced upon them as Christian men; and he hoped he should always consider every lawyer as a Christian man. He hoped that by the same time next year, instead of having £2000 as a permanent fund, the lawyers of England and Wales would have £10,000. Everyone should engage in this work; for none could tell what vicissitudes might overtake him in a commercial country like England. Since he had been in the office which he had the distinguished honour to fill, he had seen an amount of distress amongst members of the profession that many could hardly imagine. All might look fair without, but behind there was many an aching heart, many a widow, many a hungry child looking in vain for comfort and relief. Let it not longer be a reproach to them, as a wealthy body, that those who had struggled hard in early life to place themselves above want, but had failed, made an appeal to them in vain.

Mr. COOKSON remarked, that though Englishmen lived in a land of liberty, they were sometimes subjected to a despotism. It was under such a restraint that he was compelled, with a feeling of his own inadequacy, to propose the "Health of the Lord Mayor," as the chief magistrate of the first city in the world. He congratulated the association that at its first anniversary they had so distinguished a member of the profession to preside over them.

The CHAIRMAN acknowledged the toast, and expressed a hope that they would all live to see the day when the association should have become a permanent institution.

The next toast was, "The Lord Chancellor and the judges of England, coupling with it the Common Serjeant."

Mr. THOMAS CHAMBERS (Common Serjeant) responded to the toast. He observed, that law did not mean litigation, but the absolute, unmixed dominion of right,—every man having and enjoying his own, as no man can enjoy it, except with an absolute sense of security. It was law broken, right infringed, which led to litigation. It was wrong done which led to the invoking of the law, for the purpose of redressing it; and rights enjoyed undisturbed exceeded incalculably rights vindicated by an appeal to the law. There was no kind or degree of comparison between the amount of litigation which the profession prevented and the amount of litigation which their skill had conducted. That was the reason why the profession of the law and the law itself were honoured in this country. It was not a profession which disturbed the rights of men, but which secured and settled them, and litigation in this country was but the ripple on the surface of the stream broad and deep, indicative of the general security of property and life. That result depended upon two causes, which, in this country, had for centuries coincided—the general justice of the laws, the excellence, correctness, and skill with which the legislative department conducted its duties, and the integrity and ability with which the administrative department of the law was carried on. He begged to return them his warmest thanks on behalf of the judges of the land. He had no doubt they would continue to sustain the reputation and deserve the estimation which they had so long enjoyed.

this country. He was sure that when once the administration of justice failed in any department in a country, that moment Government failed in its normal principle, its primary function. It might fail in any other and recover; it did not fail in the administration of justice without failing finally and utterly. That it would not so fail he felt sure; for the judges of the land were upright, independent, impartial; the bar learned, able, and fearless. The administration of the law was safe in England, because, considering the power which the great body of solicitors had with reference to all that was held dear, socially and relatively, there was no class of men in the civilized world would bear any comparison with those who had the property and character of the people of England in their hands.

Mr. ANDERTON announced that the subscription of the evening amounted to £837.

The Lord Mayor being compelled to leave the chair, it was occupied by Mr. Cookson.

"The Bar of England" was the next toast, coupling with it the name of Mr. Serjt. Payne.

Mr. Serjt. PAYNE responded, and apologised for the absence of Mr. Wordsworth, who had previously left.

"The health of the Sheriffs of London" followed, and in the absence of Mr. Sheriff Conder, who had also left, it was responded to by Mr. Under-Sheriff Surr.

The COMMON SERJEANT proposed "The Incorporated Law Society; the Metropolitan and Provincial Law Institution; and the other law societies of England and Wales;" coupling with it the name of Mr. Maugham, the secretary to the Law Institution.

Mr. MAUGHAM responded, and said, he could bear testimony to the necessity of such an institution as the Solicitors' Benevolent Association, for he knew that many were really unable to pay the unjust tax which was imposed upon the body, in order to take out a certificate.

"The Trustees of the Association," proposed by Mr. Maugham, and acknowledged by Mr. Anderton, followed.

"The health of Mr. Cookson," as chairman *vice* the Lord Mayor, was drunk and duly responded to.

"The Board of Directors and Auditors" concluded the list of toasts, and the company shortly afterwards dispersed.

LONDON AND PROVINCIAL LAW ASSURANCE SOCIETY.

The annual general meeting of the proprietors of this society and of the assured entitled to vote was held yesterday at the offices of the society, Fleet-street, for the reception of the report and the election of directors and auditors. In the absence of Mr. Butt, Q.C., the chairman, Mr. Henry Lake presided.

Mr. DAY, the actuary, read the report, which stated that "the new business of the year 1858 consists of 158 policies, assuring the sum of £190,380, and the premiums which have been received thereon amount to 6,419*l.* 0*s.* 6*d.*, exhibiting, as compared with the previous year, an increase of 49 policies, £49,280 in the sums assured, and 2,164*l.* 10*s.* 1*d.* in premiums. This is equivalent to an increase of upwards of 50 per cent. on the new premiums received in the year 1857. The average amount of each policy is nearly the same as that of last year, being £1,205; thus showing a continuation of the same high class of business. The society's income from premiums now exceeds £30,000. Eleven claims have been paid during the year, which, including bonuses, amount to 7,055*l.* 8*s.* 10*d.*, showing, as compared with the previous year, a diminution of nearly £4,000; and those claims have been considerably below the estimate according to the office tables. Notwithstanding the increased business, the ordinary charges of management have been in no way augmented. In their report of last year, the directors referred to a special item of expenditure, viz., that for the extension of local agencies. Their anticipations as to the results to be derived from this source have not been disappointed, the new agencies having yielded, during the year, the sum of 1,159*l.* 19*s.* 8*d.* in new premiums, representing sums assured amounting to £22,025. These results have encouraged the board to continue their exertions in this respect. The sum of 484*l.* 0*s.* 6*d.* has been expended in the appointment of special local agents in the principal towns of England in which the society was not before represented. The assets of the society have been augmented during the year, after payment of all claims and expenses, by a sum of about £18,600. The directors regard this as an extremely favourable feature of the year's account, and as one of the best tests of the prosperity of the society. The directors regret to announce that a vacancy has occurred in the board by the death of Mr. John Clark. This vacancy will have to be filled up at the present meeting, in addition to those occasioned by the retirement by rotation of the following gentlemen; viz.—Messrs. Bacon, Bennett, Bower, Cholmeley, Fane, Fisher, Gazelee, Jones, Locke, Powell, Shaw, and Steward, who are all eligible for re-election. The auditors who retire by rotation are, for the proprietors, Mr. Edwin Ball, and for the assured, Mr. James W. Taylor, both of whom are eligible for re-election. The vacancy occasioned by the resignation of Mr. William Parke, auditor for the proprietors, will have to be filled up at the present meeting. In conclusion, the directors desire to thank the proprietors for the support the society has received from them during the past year, by the introduction of new assurances; and, as they must now be fully convinced of the satisfactory progress and increasing prosperity of the society, they trust that their exertions to promote its interests may henceforth be not merely continued, but greatly increased."

The CHAIRMAN, in moving the adoption of the Report, said, he thought the proprietors would agree with him that the state of the society was most satisfactory, and that, having passed through the perils of childhood, it was now very strong, efficient, and prosperous. In every point of view the society possessed elements of strength to a considerable extent. Its capital amounted to very nearly £200,000. Its income in premiums exceeded £30,000 a-year. Its whole income was nearly £40,000; and when he looked to the past, and to the divisions made at the end of the last ten years—when he looked to the present, as evidenced in the report—or when he looked to the prospects of the future, he believed there was every reasonable ground for anticipating that the society was going on in a safe, prosperous, and good course. The business of the last year had increased considerably, being, as the report had stated, more than 50 per cent. in excess of the year immediately preceding, and larger in amount than in any preceding year. The capital had been increasing ever since the formation of the society. One distinguishing feature of the society had been its economy of management; and he believed he was correct in saying that no society in London transacting the same amount of business, and possessing an equal capital, was conducted with so much economy. From the very first the society's expenses had been very small, and it was very satisfactory to find that although the business had increased so extensively, the expenditure was scarcely more than it was in the year 1849, not exceeding the amount then paid by more than £200. The losses had been far less than might have been expected, being £4,000 less than last year, when, according to ordinary calculations, they might have been expected to reach double that sum. These statements would, he trusted, show the shareholders that they had good reason to congratulate themselves on the position in which the society stood, and justify them in recommending it amongst their friends. He did not believe that any society in London was more safe, or held out greater advantages. An extremely good bonus was given at the last division of profits, and there was every reason to expect an equally good one at the next division; for, while the shareholders were receiving a good interest, the business of the society was increasing, whilst its expenditure was nearly stationary. He was glad to say, that during the last year the shareholders had responded to the call of the chairman, and had brought considerable additional business to the office; and he trusted they would continue to do so, because it was impossible such a society could flourish as it ought to do unless individual shareholders felt that they had a personal interest in its prosperity. He thought it unnecessary to read the balance-sheet, as a copy of it had been sent to every shareholder, and would, therefore, not detain the meeting further than to move that the report, together with the balance-sheet, be received and adopted.

Mr. SMITH seconded the motion, which was carried unanimously.

On the motion of Mr. KEEN, seconded by Mr. TAYLOR, the retiring directors were re-elected, and Mr. Parke was elected to fill the vacancy occasioned by the death of Mr. Clark.

The retiring auditors were re-elected, and the vacancy occasioned by the resignation of Mr. Parke was filled up by the appointment of Mr. Philip Roberts, of South-square, Gray's-inn.

A vote of thanks to the chairman terminated the proceedings.

BALANCE SHEET.

Receipts and Expenditure during the Year ending 31st Dec., 1858.

Dr.

	£	s.	d.
To balance from 31st December, 1857—			
At the Bank of England £1,785 15 1			
In hand 36 16 7			
	1,822	11	8
„ Premiums (New) 6,419 8 6			
„ Ditto (Renewals) 24,028 7 10			
	30,447	16	4
„ Consideration for Annuities	288	2	0
„ Dividends and Interest on Investments	7,093	7	6
„ Commission on Re-Assurances	141	12	4
„ Surrender of Re-Assurances	137	6	1
„ London and North-Western Railway Debentures Repaid 5,000 0 0			
„ Loans Repaid 9,439 19 1			
	14,439	19	1
„ Fines for revival of Lapsed Policies	9	12	9

The Society's Investments on the 31st December, 1858, were as follows:—

£16,405	1	2	£3 per cent. Consols.
21,344	8	6	New 3 per cent. Annuities.
2,691	15	10	£3 per cent. Reduced Annuities.
18,500	0	0	Great Western Railway Debentures.
122,053	8	6	Mortgages and other Investments.
3,500	0	0	On Deposit at London and Westminster Bank.
2,500	0	0	Ditto Union Bank of London.
6,305	15	1	Society's House.

George M. Butt, Chairman.

	£54,380	7	9

Examined by us this 11th February, 1859,
John A. Powell,
Samuel Steward,
W. Vizard,
} Directors.

Cr.

	£	s.	d.
By Proprietors' Dividends	2,876	11	0
„ Ground Rent (less £2 2s. Property Tax) £31 18 0			
„ Rates and Taxes (including Income Tax) 150 19 1			
„ Coals 13 4 0			
„ Law Charges 28 6 4			
„ Insurance of House, Repairs, and Furniture.. 13 0 6			
„ Directors 486 3 0			
„ Auditors 21 0 0			
„ Salaries to Actuary and Secretary, Physician and Clerks 800 0 0			
„ Stationery and Printing 130 9 11			
„ Advertisements 108 1 4			
„ Policy and Annuity Deed Stamps 100 13 6			
„ Petty Cash, including Postage 88 13 2			
„ Fees to Medical Referees 87 13 6			
	2,110	2	4
„ Commission	1,563	3	3
„ Expenses incurred in the Extension of Agencies	484	0	6
„ Premiums on Re-Assurances	2,516	12	7
„ Annuities paid	803	18	10
„ Claims under eleven Policies, including Bonuses	7,055	8	10
„ Bonuses commuted for cash	27	2	0
„ Considerations for Surrendered Policies	2,035	3	6
„ Investments	30,552	1	8
„ Balance 31st December, 1858:—			
At the Bank of England 4,335 14 6			
In hand 20 6 9			
	4,356	1	3
	£54,380	7	9

We have carefully examined this Account, and find the same to be correct—
Edwin Ball,
Wm. Parke,
Jas. W. Taylor,
Josiah T. Paul,
} Auditors.

March 4th, 1859.

Court Papers.

Court of Chancery.

GENERAL ORDERS AND RULES ISSUED MARCH 30, 1859.

I.

In the following Orders, unless there be something in the subject-matter or context repugnant to such a construction, words expressed in the singular and in the plural number respectively, shall be construed as applicable respectively to several persons or things, or to one person or thing; the word "Order" shall include a Decree; words importing the masculine gender shall include females; the word party shall mean any person appearing at the hearing of the cause, or of the application respectively, as the case may be, and shall include a body politic or corporate, and when any period is specified, the same shall be computed exclusive of vacations.

II.

At the time of bespeaking an Order, the person bespeaking the same is to leave with the Registrar his counsel's briefs, and such other documents as may be required by the Registrar for the purpose of enabling him to draw up the same.

III.

Every Order is to be bespoken, and the briefs and such other documents as by Order II. are required to be left with the Registrar on bespeaking the same, are to be so left within seven days after the Order is pronounced or finally disposed of by the Court.

IV.

In case any Order is not bespoken, and the briefs and other requisite documents left with the Registrar within the time prescribed by Order III., the Registrar may decline to draw up the Order without the leave of the Court.

V.

At the time of delivering out the draft of any Order which requires to be settled by the Registrar in the presence of the parties, the Registrar is to deliver out to the party on whose application the draft has been prepared, an appointment in writing of a time for settling the same.

VI.

A copy of such appointment is to be served on the opposite party one clear day at least before the time fixed thereby for settling the draft Order, and the party serving such copy, and the party so served, are to attend such appointment, and to produce to the Registrar their briefs and such other documents as may be necessary to enable him to settle the draft.

VII.

Service of such appointment is to be effected by leaving a copy thereof at the place for service of the party to be served, or by transmitting a copy thereof by the post to such party at such place for service.

VIII.

At the time fixed for settling the draft, the original appointment, together with a memorandum endorsed thereon of the service of a copy thereof on the opposite party, and signed by the person by whom such service was effected, shall be delivered to the Registrar in order that he may be satisfied that service has been duly effected; but the Registrar may require such service to be verified by affidavit.

IX.

When the draft Order has been settled by the Registrar, he is to name a time in the presence of the several parties, or else to deliver out an appointment in writing of a time for passing the Order, which appointment is to be served on the opposite party in like manner, as directed by Order VII., with reference to an appointment to settle the draft Order, and similar evidence of service thereof is to be produced and received.

X.

If any party fails to attend the Registrar's appointment to settle the draft of any Order, or to pass the Order, or to produce his briefs and such other documents as the Registrar may require to enable him to settle such draft, or pass such Order, the Registrar may proceed to settle the draft, or pass the Order in his absence.

XI.

In any case in which the Registrar may not think fit to proceed in the absence of the party failing to attend or to produce his briefs, and such other documents as aforesaid, the Registrar is to be at liberty to dispense with the production of counsel's briefs, and to act upon such evidence as he may think fit, of the actual appearance by counsel of the party failing to attend, or to produce such documents or papers as aforesaid, or may require the matter to be mentioned to the Court.

XII.

The Registrar's appointment may be in the following form:—

Chancery Registrar's Office, Chancery-lane.

"A. *v.* B."

or, "In the matter of "A."

I have appointed —— the —— day of ——, 1859, at eleven o'clock in the forenoon, to settle the draft of the Decree [*or*, "Order"], [*or*, "to pass the Decree or Order"], pronounced in this cause [*or*, "matter"] by [*The Master of the Rolls*] on the —— day of ——.

H. E. Bicknell, *Registrar*.

XIII.

The Registrar's appointments, with the endorsements (if any) thereon, are to be filed by the Registrar.

XIV.

The Registrar may adjourn any appointment to settle the draft of any Order, or to pass the Order to such time as he may think fit, and the parties who attended the appointment shall be bound to attend such adjournment without further notice.

XV.

Notwithstanding the preceding Orders, the Registrar is to be at liberty, in any case in which he may think it expedient so to do, to settle and pass the Order without making any appointment for either purpose, and without notice to any party.

XVI.

At the foot of every petition presented to the Lord Chancellor or to the Master of the Rolls, a statment is to be made of the parties or persons, if any, intended to be served therewith; and if no party or person is intended to be served with such petition, a statement to that effect is to be made at the foot of the petition.

XVII.

Where any person is by any Order directed to pay any money or deliver up any property to another, it shall not be necessary to make any demand of the money or other property directed to be paid or delivered; but the person directed to pay such money or deliver up such property shall be bound to pay or deliver over the same upon being duly served with such Order without demand, and process of contempt may issue accordingly to enforce performance thereof.

XVIII.

These Orders shall take effect and come into operation on the 15th day of April, 1859.

Chelmsford, C.
John Romilly, M.R.
J. L. Knight Bruce, L.J.
G. J. Turner, L.J.
Richd. T. Kindersley, V.C.
John Stuart, V.C.
W. P. Wood, V.C.

Common Pleas.

ENLARGED RULES.—Easter Term, 1859.

REMANET PAPER.

To the First Day of Term.

In the matter of an Agreement between Robertson and West.
Doe dem. Gutteridge *v.* Sowerby.
Crouch *v.* The Official Manager of the Royal British Bank.

To the Sixth Day of Term.

In the matter of the Complaint of Nicholson, jun. and Another *v.* Great Western Railway Company.

To the Tenth Day of Term.

Notman and Another *v.* The Anchor Assurance Company.

To the Fourteenth Day of Term.

In the matter of the Complaint of the Rhymney Railway Company *v.* The Taff Vale Railway Company.

Until Application to Court of Chancery is disposed of.

Nutt *v.* The Midland Railway Company.

To the Fourth Day of Term after Trial.

Slipper v. Back.
Erwin v. Back.

Until Proceedings in Chancery are disposed of.

Walter and Ux. v. Whittaker.

Until Judgment given in House of Lords.

Broadbent v. The Imperial Gas Light and Coke Company.

DEMURRER PAPER.

Wednesday, April 27.

Dem. Cox v. Muncey (The Rule for a New Trial to be argued herewith).
" Smith v. Roche.
" Glyn, Bart. v. The Aberdare Valley Railway Company.
" The Wolverhampton New Waterworks Company v. Hawksford.
Ap. from Justices. Edleston, Appellant; Francis, Respondent (restored by Rule).
Dem. The Wolverhampton New Waterworks Company v. Holyoake (to be argued with the Special Case to be agreed on).
Co. Ct. Appeal. The Hoddesdon Gas and Coke Company, Appellants; Haslewood, Respondent.
Dem. Yescomb and Ux. v. Landor.
Case by Order. Dodd v. Pomsford.
Dem. Attwood, Administrator, &c. v. Gregory.
Case by Order. Valente v. Gibbs and Others.
" Gibbs and Others v. Valente.
" Moore and Others v. Rawlins.

Friday, April 29.

Case, Nisi Prius. Hussey v. Stapleton.
Ap. from Justices. The Governors, &c., of the Poor of St. James', Westminster, Appellants; The Overseers of the Poor of St. Mary, Battersea, Respondents.
" Same v. Same.
Dem. Haynes v. Ainsworth (Garnishee).
" Smith v. Scott.
" Santos v. Illidge and Others.

Wednesday, May 4.

Case by Order. Willis and Others v. Palmer and Others.

NEW TRIAL PAPER.

Michaelmas Term, 1857.

Chester. Highfield and Others v. Massey and Others (to stand over till Egerton and Ux. v. Massey and Others in Error is disposed of).

Michaelmas Term, 1858.

London. Cox v. Muncey (to be argued with the Demurrer).
" Bernstein v. Baxendale and Others.
" Cahill and Another v. Dawson (stood over for parties to arrange).
" Dillnutt v. Smeed.
Cardigan. Clarke v. Dickson.
Bristol. Holmes v. Mitchell.
Cornwall. Phillips v. Ball and Others.

Hilary Term, 1859.

Middlesex. Brett v. Phillips.
" Lecaan v. Kirkman.
" Levy v. Lewis.
" Earl Shrewsbury v. Scott and Others.
London. Cooper, surviving, &c. v. Law.
" Sweeting v. Pearce.
" Maltass v. Siddle.
" Solomon v. Meyers.
Liverpool. Radcliffe v. Marrian.

Cur. ad Vult.

Ingham v. Primrose.
London and Westminster Loan and Discount Company v. Drake.
Shadwell v. Shadwell.
Bickow and Another v. Kuttner and Another.

Births, Marriages, and Deaths.

BIRTHS.

BEARD—On April 10, at 2 Bowley-cottages, Kingsland, the wife of Thomas Beard, Esq., Solicitor, of a daughter.
BEDFORD—On April 12, at 5 Royal-crescent, Notting-hill, the wife of Edwin Bedford, Esq., of a daughter.
BLOXAM—On April 10, at 20 Gloucester-terrace, Hyde-park-gardens, the wife of Edward Bloxam, Esq., of a son.
GAWLER—On Feb. 8, at Cressingham-lodge, North Adelaide, Caroline Augusta, the wife of Henry Gawler, Esq., Barrister-at-Law, of a daughter.
HAMMOND—On April 11, at Finchley, the wife of William Hammond, Esq., Solicitor, of a son.
MADDY—On April 13, at 9 Talbot-square, Hyde-park, the wife of Edwin Davis Maddy, Esq., Barrister-at-Law, of a daughter.
MASKELYNE—On April 1, at 112 Gloucester-terrace, Hyde-park-gardens, the wife of Nevil Story Maskelyne, Esq., of a daughter.

MARRIAGES.

GRANT-DUFF—WEBSTER—On April 13, at St. Mary's church, Ealing, by the Rev. E. W. Helton, M. E. Grant-Duff, Esq., M.P., to Anna Julia, only child of Edward Webster, Esq., of Lincoln's-inn, Barrister-at-Law.
LANGTRY—POLLOCK—On April 8, at St. Peter's church, Dublin, by the Rev. G. Paton, George Langtry, Esq., of Kilmore, County Down, to Agnes, only daughter of the late Joseph Pollock, Esq., Barrister-at-Law.
MORISON—RODGER—On April 19, at Netherhill, near Paisley, by the Rev. Andrew Wilson, of the Abbey church, James Mitford Morison, Esq., Advocate, to Elizabeth, only daughter of Robert Rodger, Esq., of Netherhill, Procurator-Fiscal of Renfrewshire.
SMITH—OWEN—On Feb. 3, at Darlinghurst, Australia, William Smith, Esq., Solicitor, Tamworth, to Fanny, daughter of the late Owen Owen, Esq., Solicitor, Carnarvon.
WILSON—THOMPSON—On April 12, at the parish church, Scarborough, by the brother of the bride, the Rev. W. H. Thompson, Canon of Ely, and Professor of Greek in the University of Cambridge, the Rev. J. Gilchrist Wilson, London, to Susan, second surviving daughter of the late William Thompson, Esq., Solicitor, York.

DEATHS.

CASE—On April 11, at Foulton Hey, Cheshire, John Deane Case, Esq., a magistrate for the county, in the 74th year of his age.
FERGUSON—On Feb. 1, at Inverbrackie, Adelaide, Mr. James Ferguson, formerly Solicitor in Turriff, Aberdeenshire, Scotland.
GRIFFIN—On April 12, at Hereford-square, Old Brompton, Nathaniel Griffin, Esq., of Gray's-inn, Barrister-at-Law, in the 56th year of his age.
HALLAM—On April 8, at Brighton, in the 63rd year of his age, George Walsh Hallam, Esq., of Brent Pelham-hall, Herts, a magistrate and a deputy-lieutenant for the county.
LONG—On April 6, at 4 Bond-street, Pentonville, Julia, widow of the late Mr. Pierce Long, Solicitor, in her 62nd year.
POWELL—On April 6, at Knaresborough, Mr. Samuel Powell, Esq., Solicitor, aged 81, who had been in practice in that town since 1807.
ROSCOE—On April 3, at 37 Bathwith-hill, Bath, Thomas Roscoe, Esq. Solicitor, late of Knutsford, Cheshire.
ROSCOE—On April 5, at Lower Edmonton, William Roscoe, Esq., of Lower Edmonton, and of King-street, Finsbury-square.
SANDERS— On April 13, at Orme-square, Bayswater, Robert Braddield Sanders, Solicitors, in the 60th year of his age.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

BLACKALL, Major ROBERT, Moor-place, Herts, GEORGE DOMINICUS, Esq., East Farley, Kent, and ROBERT GEAR, Esq., East India House, One Dividend on £4,055 : 9 : 0 3 per Cent. Consols—Claimed by RICHARD GUSTAVUS HANDCOCK and GEORGE SANDHAM, acting executors of Robert Gear, deceased, who was the survivor.
DAVENPORT, Rev. EDMUND SHARINGTON, Vicar of Worfield, Salop, JOHN FRYER, and PETER REYNOLDS, Farmers, of the same place, £58 : 9 : 3 New 3 per Cents.—Claimed by ELIZABETH WALKER, wife of Rev. Thomas Walker, administratrix, with the will annexed of John Fryer, deceased, who was the survivor.
FINLAYSON, NICOL, Esq., Hudson's Bay, and ELIZABETH FINLAYSON, his wife, £35 3 per Cent. Consols.—Claimed by NICOL FINLAYSON, the survivor.
GREEN, WILLIAM, Gent., Bank of England, One Dividend on £3,710 Reduced 3 per Cents.—Claimed by WILLIAM GREEN.
LAURIE, Sir PETER, Knt., Park-square, Regent's-park, FRANCIS WARDEN, Esq., Bryanstone-square, ARCHIBALD COCKBURN, Esq., Mark-lane, London, and BENJAMIN BOYD, Esq., New Bank-buildings, Three Dividends on £388 : 2 : 6 Reduced 3 per Cents.—Claimed by Sir PETER LAURIE.
MARRIOTT, Rev. JAMES POWELL, Cotesbrook, Leicestershire, £1,516 : 11 : 9 Reduced 3 per Cents.—Claimed by JAMES POWELL MARRIOTT.
PITMAN, ROBERT, East India Company's Service, One Dividend on £1,400 New 3½ per Cents., and One Dividend on £600 New 3½ per Cents.—Claimed by JOHN ANDERSON, one of the executors.
POLSON, DANIEL, Esq., Island of Carriacou, £254 : 5 : 11 Consols.—Claimed by CATHERINE POLSON, Spinster, the administratrix, with will annexed de bonis non.
REDDING, MARY JANE, Spinster, Paradise-street, Rotherhithe, £41 : 15 : 8 New 3 per Cents.—Claimed by SARAH REDDING, Widow, the administratrix.
SPOONER, JAMES, Civil Engineer, Port Madoc, Carnarvonshire, One Dividend on £1,492 : 10 : 6 New 3½ per Cents.—Claimed by CHARLES EASTON SPOONER, administrator with the will annexed.

Heir at Law and Next of Kin.

Advertised for in the London Gazette.

BROWN, ROBERT, Hosier, Hinckley, Leicestershire (who died on or about April 18, 1824). Brown v. Jarvis, V. C. Wood. May 2.
CARRUTHERS, JOHN, Spirit Merchant, Wantage, Berks (who died in or about Dec., 1857). Burnett & others v. Burnett & another, V. C. Stuart. May 2.
DIX, CHRISTOPHER, late of Islington. His next of kin to apply to Manckton & Co., Solicitors, 1 Raymond-buildings, Gray's-inn.
GREEN, Capt. JAMES, of the Royal Navy. His next of kin to apply to M. Gallienne, Law Agent, Guernsey.
HUTCHINSON, ELIZABETH, Widow, 12 Kensington-gardens-terrace, Hyde-park (who died in or about July, 1858). Bristow v. Skirrow, M. R. May 6.
KENNETT, HENRY (son of Henry Kennett, late of Priory-place, Dover). His next of kin to apply to Fox & Mee, Solicitors 3 Castle-terrace, Dover.
LAMB, MARY, wife of Henry Lamb (late Mary Croft, Widow), formerly of Liverpool, afterwards of Bristol, and late of Wolverhampton (who died in or about Nov., 1853). Romney v. Dickson & others, V. C. Stuart. May 7.

Estate Exchange Report.

(For the week ending April 7th, 1859.)

AT THE MART.—By Messrs. GADSDEN, WINTERFLOOD, & ELLIS.

Freehold Family Residence, Shern Hall-street, Walthamstow, Essex, with large pleasure garden, coach-house, stable, &c.—Sold for £1660.

By Messrs. BRADEL & SONS.

Three Allotments of Copyhold Land, Durley Common, Durley, Southampton, comprising 3A. 2R. 9P.—Sold for £70.

By Messrs. Tacllope.

Leasehold Business Premises, No. 60, Newington-causeway, comprising house and shop, held for 15½ years from Lady-day, 1859, at an annual rent of £50.—Sold for £105.

Leasehold House and Shop, No. 61, Newington-causeway, held for 16 years from Midsummer next at £90 per annum.—Sold for £80.

By Mr. Newson.

Leasehold House, No. 1, Evelyn-street, Murray-street, Hoxton, held for 93 years from Midsummer, 1849, at a peppercorn; let at £23 per ann.—Sold for £280.

By Mr. Ketsell.

Leasehold Residence, No. 43, Westmoreland-street, South Belgravia, held for 71 years from Lady-day, 1859; ground-rent, £16 per annum; let at £40 per annum.—Sold for £240.

Leasehold Residence, No. 49, Westmoreland-street; same term and ground-rent; let at £40 per annum.—Sold for £240.

By Mr. W. F. Hammond.

Leasehold House, No. 44, Edward-square, Caledonian-road, Islington; term, 81 years from Lady-day, 1859; ground-rent, £5 per annum; let at £50 per annum.—Sold for £205.

Leasehold House, No. 45, Edward-square, Islington; same term and ground-rent; let at £39 per annum.—Sold for £225.

By Messrs. E. Fox & Bousfield.

Leasehold House and Premises, No. 2, Warren-street, Pentonville; held for 59 years from March, 1821, at a ground-rent of £5 per annum; let at £30 per annum.—Sold for £185.

Freehold Plot of Building Ground, Vine-street, Bermondsey.—Sold for £50.

By Messrs. Peter Broad & Pritchard.

Leasehold Dwelling-house, Upper Spring-street, Maryiebone; let on lease at £32 per annum; held for 99 years from Lady-day, 1789, at a ground-rent of £5:5:0 per annum.—Sold for £270.

Leasehold Houses, Nos. 5, 6, 7, & 8, William-street North, Stepney; let at £93:12:0 per annum; term, 79 years from December 25, 1856; ground-rent, £12:12:0.—Sold for £620.

Freehold House, No. 21, Gillam's-court, Rotherhithe-street; estimated value, £13 per annum.—Sold for £90.

At Garraway's.—By Mr. Harding.

Leasehold Estate, comprising Seven Dwelling-houses, a Shop, and a Plot of Ground, Gibraltar-walk, Bethnal-green; term, 31 years from September, 1838; ground-rent, £50 per annum; estimated annual value, £236:12.—Sold for £600.

By Messrs. Price & Clark.

Freehold Dwelling-house, No. 3, Hanover-court, Long Acre; annual value £40.—Sold for £320.

Freehold, Eleven Plots of Building Ground, Wood Green, Hornsey.—Sold at from £29 to £32 per plot.

Freehold, Seven Plots of Building Land, Grove-road, Hornsey-road, Holloway.—Sold at from £39 to £119.

Freehold, Seven Plots of Building Ground, Acacia-road, Lower Sydenham.—Sold at from £45 to £76 per plot.

By R. W. Fuller.

Freehold Estate, known as "Blackman," Cudham, West Kent, comprising Farm-yard, several Cottages, Out-buildings, and 25a. 1r. 8p. of arable, meadow, and pasture land; let on lease for 11 years from September, 1855, at £50 per annum.—Sold for £1250.

Freehold Beer-house, "The Cricketers," Stroud Green, Croydon, Surrey, and Three Cottages adjoining; let on lease for 21 years from June, 1850, at £42 per annum.—Sold for £630.

Freehold, Six Cottages adjoining last lot, producing £45 per annum.—Sold for £300.

By Messrs. Farebrother, Clark, & Lye.

Leasehold Residence, No. 35, Bedford-place, Russell-square; let at £110 per annum for whole of Term; ground-rent, £52:10:0 per annum; held for the residue of a term of years expiring Michaelmas, 1871.—Sold for £295.

English Funds.

English Funds.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	223	225 3/4	223	223 1/2 4 1/2	223 4 1/2	223
3 per Cent. Red. Ann.	94 3/4	93 1/2	94 1/4 4	94 1/4	94 3/4	93 1/2
3 per Cent. Cons. Ann.	95 4/4	94 5/8	95 5/8 5	95 5/8	95 4/4	94 5/8
New 3 per Cent. Ann.	93 1/2	93 1/2	94 1/4 4	94 1/4 4 1/2	94 1/4 4 1/2	93 1/2
New 2½ per Cent. Ann.	79 1/2	79	..	..	..	..
Long Ann. (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	11-16
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	..	..	..	..	17 1/2
India Stock	220 19 1/2	..	221	220 1/2	221	..
India Loan Debentures	..	..	..	..	..	97
India Bonds (£1,000)	8s p	8s p	2s 5s p	7s p	7s p	7s 8s p
Do. (under £1000)	8s p	10s 12s p	5s 9s 7s p	..	2s 7s p	..
Consols for account	..	..	..	..	..	..
Exch. Bills (£1000) Mar.	34s 33s p	36s 33s p	36s 34s p	33s p	3 6s p	33s 36s p
Ditto June	..	..	..	..	..	..
Exch. Bills (£500) Mar.	34s 33s p	34s 36s p	..	34s 33s p	..	33s 36s p
Ditto June	..	..	..	..	..	..
Exch. Bills (Small) Mar.	34s 33s p	34s 36s p	36s 33s p	34s 36s p	33s p	33s 36s p
Ditto June	..	..	..	..	..	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds	..	..	..	..	..	..
Exch. Bonds, 1859, 3½ per Cent.	..	99 1/2	..	..	..	..
Ditto (under £1,000)	..	..	..	..	..	..

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	..	..	..	..
Bristol and Exeter	92	92	..	..	..	..
Caledonian	79 1/2	79 1/2 8 1/2	79 1/2 80 1/2	..	80 1/2	80
Chester and Holyhead	..	..	..	..	..	..
East Anglian	..	..	15 1/2	..	..	..
Eastern Counties	58 1/2 1/2	58 1/2 7/8	58 1/2 8	57 1/2 8 1/2	58 1/2	58
Eastern Union A. Stock	..	..	..	..	..	..
Ditto B. Stock	..	29 1/2	30	30	29 1/2 30	30
East Lancashire	..	..	91	91 1/2	..	91
Edinburgh and Glasgow	..	..	..	..	72 1/2	72 1/2
Edin. Perth, and Dundee	26 1/2	26 1/2	27	..	..	..
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	..	100 1/2	100 1/2	101	..	100 1/2
Ditto A. Stock	84 1/2	84 1/2	85 4 1/2	85 1/2 5	86	85 1/2
Ditto B. Stock	..	132	..	..	..	..
Gt. South & West. (Ire.)	..	105	..	105	..	105
Great Western	57 1/2	57 1/2 1/2	57 1/2 1/2	57 1/2 8	57 1/2 8	57 1/2
Do. Stour Vly. G. Stk.	..	..	54	..	..	..
Lancashire & Yorkshire	93 1/2	93	93 2 1/2	93 1/2	93 1/2	93 1/2
Lon. Brighton & S. Coast	..	111 1/2	..	111 1/2	111 1/2	101 1/2
London & North-Westrn.	93 1/2 1/2	93 1/2 1/2	93 1/2 4	94 3/4	93 1/2 4 1/2	94 3/4
London & South-Westrn.	91 1/2	91 1/2	91 1/2	91 1/2	91	91 1/2
Man. Sheff. & Lincoln.	37 1/2	37 1/2	38 7/8	38 1/2	38 1/2	38 1/2
Midland	100	99 1/2 1/2	100 1/2 1/2	101 1/2	100 1/2	100 1/2
Ditto Birm. & Derby	..	75	..	75 1/2	..	..
Norfolk	..	..	58	..	..	59
North British	..	56 1/2 1/2	56 1/2 1/2	56 1/2 1/2	56 1/2 1/2	56 1/2 1/2
North-Eastern (Brwck.)	89 1/2 1/2	89 1/2	90 1/2	90 1/2 90	90 1/2	89 1/2
Ditto Leeds	..	45 1/2	..	..	46 1/2	45 1/2
Ditto York	74 1/2 1/2	74 1/2 3/4	74 1/2 1/2	74 1/2 1/2	75	75
North London	..	..	103	..	102 1/2	102 1/2
Oxford, Worc. & Wolver.	..	33	..	32	..	..
Scottish Central	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	..	..	..	..	..
Do. Scotsh. Mid. Stk.	..	..	..	..	..	83
Shropshire Union	..	..	..	..	..	44
South Devon	..	..	44 3/4	43 1/2	..	43 1/4
South-Eastern	..	68	68 1/2	69 69 1/2	..	69 8 1/2
South Wales	..	..	..	..	..	..
Vale of Neath	..	..	..	..	..	..

London Gazettes.

Commissioner to administer Oaths in Chancery.

Tuesday, *April* 12, 1859.

Sandom, Williams, Deptford.

Bankrupts.

Tuesday, *April* 12, 1859.

ANDREWS, John, Fellmonger, Liverpool. *Com.* Perry: May 6 and 26, at 11; Liverpool. *Off. Ass.* Turner. *Sols.* Owen & Mence, Liverpool. *Pet.* April 8.

BARNASCHINA, Anthony, General Dealer, 16 New-rd., Gravesend. *Com.* Goulburn: April 30, at 11, and May 23, at 1; Basinghall-st. *Off. Ass.* Pennell. *Sol.* Sismey, 11 Serjeants'-inn. *Pet.* April 7.

BAUMAN, William, & Carleton de Courcy Barrett, Printers, &c., Operative and Training Institution, Chiswick. *Com.* Fonblanque: April 19, at 1.30, and May 24, at 1; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Lawrance, Plews, & Bowyer, 14 Old Jewry-chambers. *Pet.* Mar. 24.

BRIGGS, Alfred, Builder, Sheffield. *Com.* West: April 23 and May 28, at 10; Sheffield. *Off. Ass.* Brewin. *Sol.* Ryalls, Sheffield. *Pet.* April 7.

DAVIS, Thomas, Hotel Keeper, 11 Chapel-st., St. George-the-Martyr, heretofore of Great Malvern. *Com.* Goulburn: April 30, at 1; and May 30, at 12; Basinghall-st. *Off. Ass.* Nicholson. *Sol.* Smith, 1 Frederick's-place, Old Jewry. *Pet.* Mar. 28.

MASTERS, Edmund, Wine Merchant, 12 Mark-lane. *Com.* Holroyd: April 23, at 12.30; and May 24, at 2; Basinghall-st. *Off. Ass.* Edwards. *Sol.* Sharp, 150 Leadenhall-st. *Pet.* April 8.

MIDDLETON, Thomas, Gasfitter, Sheffield. *Com.* West: April 23 and May 28, at 10; Sheffield. *Off. Ass.* Brewin. *Sol.* Ryalls, Sheffield. *Pet.* April 7.

PALMER, William Hurry, Merchant, Southtown, Little Yarmouth, Suffolk. *Com.* Fane: April 29 and May 20, at 1.30; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Maples, Maples, & Pearce, 6 Frederick's-pl., Old Jewry; or Holt & Sons, Yarmouth.

POWELL, Thomas, Worsted Yarn Merchant, 3 Windsor-ct., Monkwell-st., London. *Com.* Evans: April 21, at 1.30; and May 26, at 12; Basinghall-st. *Off. Ass.* Bell. *Sols.* Clarke, 14 Serjeants'-inn; or Waterworth & Wright, Keighly, Yorkshire. *Pet.* April 8.

SALDORF, Frederick, Cornfactor, Plymouth. *Com.* Andrews: April 28, at 10; and May 26, at 1; Plymouth. *Off. Ass.* Hirtzel. *Sols.* Kelly, Plymouth; or Elworthy, Curtis, & Dawe, Plymouth. *Pet.* Mar. 30.

TALLERMAN, Harris, Wholesale Clothier, Houndsditch. *Com.* Goulburn: April 30, and May 30, at 11; Basinghall-st. *Off. Ass.* Pennell. *Sol.* Jones, 15 Size-lane. *Pet.* April 5.

TODD, Mary, & William Waddell Todd, Merchants, Newry, county Down, Ireland (David Todd & Co.) *Com.* Perry: May 6 and 26, at 11; Liverpool. *Off. Ass.* Bird. *Sol.* Jenkins, Castle-st., Liverpool. *Pet.* April 8.

TUCKER, Edmund, Linen Draper, Portland, Weymouth. *Com.* Andrews: April 27, at 1; and May 18, at 12; Exeter. *Off. Ass.* Hirtzel. *Sol.* Stogdon, Exeter. *Pet.* April 11.

WYATT, John, Licensed Victualler, Chipping Campden, Gloucestershire. *Com.* Hill: April 29 and May 30, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Griffiths, Chipping Campden; or Britten & Sons, Bristol. *Pet.* Mar. 26.

YATES, JOHN, & JAMES COOK, Manufacturers. Little Bolton, Lancashire (Yates & Cook.) May 2 and 25, at 12; Manchester. *Off. Ass.* Pott. *Sols.* Sale, Worthington, Shipman, & Seddon, Manchester. *Pet.* April 4.

FRIDAY, *April* 15, 1859.

HAMER, JAMES (James & John Hamer), Flour Dealer, Bolton-le-Moors. May 3 & 24, at 12; Manchester. *Off. Ass.* Fraser. *Sols.* Richardson, Hinnell, & Richardson, Bolton and Manchester. *Pet.* April 8.

NEWTON, JAMES, Hop Merchant, formerly of 97 High-st., Southwark, now of 9 Grosvenor-pk. South, Camberwell. *Com.* Goulburn: May 2, at 12.30, and May 30, at 2: Basinghall-st. *Off. Ass.* Pennell. *Sol.* Moss, 15 Fish-st.-hill. *Pet.* April 11.

NORRIS, WILLIAM, & JANE NORRIS (W. & J. Norris), Ship and Anchor Smiths, Liverpool. *Com.* Perry: May 5 & 27, at 11; Liverpool. *Off. Ass.* Morgan. *Sols.* Neal & Martin, Liverpool. *Pet.* April 14.

PRICE, JAMES BRENT, Mercer, late of Horsham, and now of Leicester. *Com.* Sanders: May 3 & 31, at 11; Nottingham. *Off. Ass.* Harris. *Sols.* James & Knight, Birmingham. *Pet.* April 12.

STEVENS, FRANCIS WORRALL, Dealer in Shares, 3 Royal Exchange. *Com.* Goulburn: May 2, at 11; and May 30, at 1: Basinghall-st. *Off. Ass.* Nicholson. *Sol.* Chidley, 10 Basinghall-st. *Pet.* April 12.

BANKRUPTCY ANNULLED.

FRIDAY, *April* 15, 1859.

GOSS, ADAM BANNISTER, Brewer, Ormskirk. April 9.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *April* 12, 1859.

BROOKES, WILLIAM HENRY, Mineral Merchant, Wolverhampton. May 12, at 11; Birmingham.

BUXTON, JOHN, Grocer, Brassington, Derbyshire. May 10, at 11; Nottingham.

GRATWICK, THOMAS, Cheesemonger, Camberwell-green, and 216 High-st., Southwark. May 3, at 12.30; Basinghall-st.

GRAY, GEORGE WALKER (trading in the name of GEORGE GRAY), Builder, Nottingham. May 10, at 11; Nottingham.

HOBDAY, HENRY NOTT, Tinplate Worker, Birmingham. May 5, at 11; Birmingham.

HUGGINS, FRANCIS WITTON, & CHARLES WITTON HUGGINS, Wine & Spirit Merchants, Derby. May 10, at 11; Nottingham.

HYDE, JOHN, Spindle Maker, Stockport. May 4, at 12; Manchester.

LEAKE, JOHN, Wine & Spirit Merchant, Newark-upon-Trent. May 10, at 11; Nottingham.

FRIDAY, *April* 15, 1859.

ALLEN, STEPHEN, & HENRY JONAS SMITH, Merchants, Mark-lane-chambers, Mark-lane. May 6, at 12; Basinghall-st.

BAKER, ROBERT, Druggist, Manchester. May 2, at 12; Manchester.

BUNTING, EDWARD HUNT, Draper, Wells, Norfolk. May 6, at 1.30; Basinghall-st.

CHRISTMAS, CHARLES, Provision Merchant, 5 Farringdon-st. May 9, at 11.30; Basinghall-st.

COLLINS, EDWIN, Market Gardener, Old Kent-rd., Peckham. May 6, at 12: Basinghall-st.

CRELLIN, PHILLIP, Sail Maker, Liverpool. April 6, at 11; Liverpool.

ECCLES, JOSEPH, EDWARD ECCLES, & ALEXANDER ECCLES (Joseph Eccles & Co.), Cotton Brokers, Liverpool. May 6, at 11; Liverpool.

FLETCHER, MATTHEW, Merchant, in the year 1826, Lime-st.-sq. May 9, at 11; Basinghall-st.

HALKET, DAVID, Shipowner, late of St. Helen's-pl., London, now of Hernebay. May 6, at 11.30; Basinghall-st.

HARRISON, WILLIAM, & GEORGE TAYLOR, Maltsters, Hadlow, Kent. May 6, at 12.30; Basinghall-st.

JONES, PHILLIP, Haulier, Waterloo-house, Mynyddyallwyn, Monmouthshire. May 12, at 11; Bristol.

KEMP, THOMAS, Maltster, Loose, Kent. May 6, at 2; Basinghall-st.

PRATT, CHARLES WILLIAM, Draper, Cambridge. May 7, at 11; Basinghall-st.

SCOTT, HENRY, Draper, Elsworth, Cambridge. May 9, at 1; Basinghall-st.

SEALE, BERNARD, Plumber, Sheffield. May 7, at 10; Sheffield.

TOWNSEND, MATTHEW, Manufacturer, Leicester. May 10, at 11; Nottingham.

TURNELL, THOMAS BREWIN, Draper, Sheffield. May 7, at 10; Sheffield.

WHITE, WILLIAM JOSEPH, & LACEY BATHURST, Drapers, Regent-st. May 6, at 12.30; Basinghall-st.

WILSON, MARGARET, Milliner, Halifax. May 9, at 11; Leeds.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *April* 12, 1859.

BARRICK, HENRY, Shipowner, High-st., Homerton. May 5, at 11.30; Basinghall-st.

COLLINS, WILLIAM PAFFRILL, & HENRY EDWARD COLLINS, Mapsellers, 23 Paternoster-row. May 5, at 12.30; Basinghall-st.

FOWLER, WILLIAM, Builder, New-cross and Beckenham. May 5, at 1.30; Basinghall-st.

GREENWAY, JOHN DAVID, Draper, 7 North-st., Taunton. May 11, at 11; Exeter.

HILLS, JONATHAN, Miller, Dartford. May 3, at 12; Basinghall-st.

HIDDER, SAMUEL, jun., Auctioneer, Salisbury. May 6, at 12; Basinghall-st.

LONGSTAFF, RICHARD HENRY, Draper, Brewer-st., Somer's-town. May 5, at 1; Basinghall-st.

MARSHALL, RICHARD LEWIS, Coach Maker, Lanivet, Cornwall. May 4, at 11; Exeter.

POSTUS, GEORGE BULLOCK, Apothecary, Liverpool. May 3, at 12.30; Liverpool.

SHEPPARD, WILLIAM, Shipowner, Exmouth. May 11, at 11; Exeter.

WINSTANLEY, JOHN, CHARLES HOUGHTON, & GEORGE RAPER HARVEY, Comb Manufacturers, Liverpool (Winstanley, Houghton, & Co.) May 3, at 11; Liverpool. sep. cert. J. Winstanley; sep. cert. C. Houghton; sep. cert. G. R. Harvey.

FRIDAY, *April* 15, 1859.

BENNETT, JOHN, Ironfounder, Spon-lane, West Bromwich. May 9, at 11; Birmingham.

BROWN, JOHN, Grocer, 60 Crawford-st., Bryanston-sq., 4 John-st. West, Edgware-rd., and 16 Oxford-market. May 6, at 11; Basinghall-st.

COOK, EDWARD JOHN, Wine Merchant, late of East Bergholt, Suffolk, and now of 1 Hall-st., City-rd. May 6, at 1.30; Basinghall-st.

COTTON, GEORGE, Builder, Rochester. May 6, at 12.30; Basinghall-st.

DAVIES, WILLIAM, Baker, Norton-st., Baldock, Herts. May 9, at 11.30; Basinghall-st.

GLENNIE, THOMAS, Boarding-house Keeper, 32 Harley-st., Cavendish-sq. May 6, at 11.30; Basinghall-st.

SIMESTER, JOHN EDWIN, Grocer, Cardiff. May 10, at 11; Bristol.

SKEELES, JAMES HUBBARD, Boot and Shoe Dealer, Liverpool. May 6, at 12; Liverpool.

SPENCE, HENRY, Currier, Great Charles-st., Birmingham. May 9, at 11; Birmingham.

TURNEY, JOHN GOODSON, Grocer, 9 Mount-pl., Walworth-rd. May 6, at 1; Basinghall-st.

WHITE, GEORGE FREDERICK, BERNARD COURTNEY, & SAMUEL TRIGGS, Wine Merchants, Mark-lane. May 10, at 12; Basinghall-st.

WILLIAMS, RICHARD, Shoe Manufacturer, Dudley. May 12, at 11; Birmingham.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *April* 12, 1859.

BRENDON, CARL, Licensed Victualler, Liverpool. April 1, 2nd class.

CONSITT, RICHARD, Commission Agent, Kingston-upon-Hull. April 6, 3rd class, subject to a suspension of 12 months.

GIBBS, ALEXANDER, Stained-glass Painter, 38 Bedford-sq. Mar. 31, 3rd class, to be suspended 12 months.

GIBSON, HENRY, Merchant, 17 Gracechurch-st. April 5, 2nd class.

MELLIS, ROBERT MCHAFFIE, Merchant, Manchester. April 4, 2nd class.

NEWBOLD, JOHN DAVIDSON, Toyman, Lincoln. April 6, 3rd class, at the expiration of 21 days.

ROBERTS, WILLIAM, Grocer, King's Lynn, Norfolk. Mar. 30, 1st class.

FRIDAY, *April* 15, 1859.

ANDREWS, RICHARD, Stationer, late of Fareham, Hants, now of the Lord Nelson, Morning-lane, Homerton. April 9, 3rd class.

BENCH, GEORGE, Innkeeper, Cheltenham. April 12, 1st class.

FORD, HENRY, Draper, Beaumont-sq., Mile-end. April 8, 2nd class.

MOUNT, JAMES, Bobbin Manufacturer, Bingley, Yorkshire. April 12, 3rd class; at the expiration of 21 days.

SMITH, JOHN PETER GEORGE, Banker, Liverpool. April 8, 1st class.

WILSON, MARGARET, Milliner, Halifax. April 12, 3rd class; at the expiration of 21 days.

Assignments for Benefit of Creditors.

TUESDAY, *April* 12, 1859.

BERRY, HENRY EBENEZER, Maltster, Kingmer, Sussex. Mar. 3. *Trustees*, C. Parsons, Stonemason, Lewes; A. K. Sampson, Timber Merchant, Lewes. Creditors to execute before June 3. *Sol.* Lewis, Lewes.

COLE, JOHN, Tailor, Cambridge. Feb. 7. *Trustees*, J. Chaffey, Woollen Draper, 29 Queen-st., Cheapside; G. Hunt, Woollen Draper, 382 Oxford-st. *Sols.* Adcock, Cambridge; or Godden, 34 Old Jewry.

GRAY, THOMAS, & EDMUND GRAY, Plumbers, Portsmouth. Mar. 31. *Trustee*, J. Spencer, Innkeeper, Portsmouth. Creditors to execute before June 31. *Sols.* Hellard, Portsmouth; or Price, Portsea.

HARPER, JOHN, sen., & JOHN HARPER, jun., Tailors, Hartley, Northumberland (John Harper & Son). April 5. *Trustees*, R. Bell, Grocer, J. Smith, Draper, both of Newcastle-upon-Tyne. Creditors to execute before July 3. *Sol.* Joel, Newcastle-upon-Tyne.

HARPER, JOHN, jun., Grocer, Whitby, Northumberland. April 5. *Trustees*, R. Bell, Grocer, and J. Smith, Draper, both of Newcastle-upon-Tyne. Creditors to execute on or before July 3. *Sol.* Joel, Newcastle-upon-Tyne.

HEIGHINGTON, HARRIET ANNIE, Milliner, Ludlow. April 4. *Trustee*, W. M. Courtney, Linen & Woollen Draper, Ludlow. Creditors to execute on or before July 4. *Sols.* G. & R. Anderson, Ludlow.

HILL, WILLIAM, Farmer, Crazelound, Lincolnshire. April 7. *Trustees*, J. Fritchley, Farmer, Hunter's Hill, Notts; J. Hill, Farmer, Haxey, Lincolnshire. Creditors to execute on or before July 7. *Sol.* Collinson, Epworth.

MEEK, JAPHETH, Hairdresser, Gt. Driffield, Yorkshire. April 2. *Trustee*, J. Robinson, jun., Grocer, Gt. Driffield. *Sol.* Hodgson, Gt. Driffield.

NEWNS, HENRY, Upholsterer, Slough, Bucks. Mar. 14. *Trustees*, H. R. Ellington, Warehouseman, Watling-st.; J. Kitchen, Feather Merchant, City-rd. *Sol.* Morris, 6 Old Jewry.

ROBERTS, EDWARD, Cabinet Maker, Water-st., Llanelly. Mar. 23. *Trustees*, C. A. Hill, Merchant, 10 Milk-st., Bristol; J. Douglas, Timber Merchant, Docks, Llanelly. *Sol.* Parry, Carmarthen.

FRIDAY, *April* 15, 1859.

BARRY, GEORGE MUIR, Seedsman, South Castle-st., Liverpool. Mar. 29. *Trustee*, E. Giles, Seed Merchant, Worcester. *Sol.* Christian, Liverpool.

FOERS, MARY, Grocer, Whiston, Yorkshire, and Sheffield (W. G. Foers & Co.) Mar. 31. *Trustees*, W. Kitchingman, Tailor, Rotherham; H. Hoyland, Accountant, Rotherham. Creditors to execute before June 30. *Sol.* Coward, Rotherham.

FULLER, ROBERT JOHN, & WILLIAM BENNETT, Drapers, Lowestoft. Mar. 16. *Trustees*, W. White, jun., Warehouseman, Cheapside; J. T. Stuttard, Warehouseman, Wood-st., Cheapside. *Sol.* Morris, 6 Old Jewry.

GWYNNE, THOMAS, Gent., Haverfordwest. Mar. 22. *Trustees*, R. James, Land Agent, Haverfordwest; R. Rees, Gent., Haverfordwest. *Sols.* Phillips, Haverfordwest; or Davies, Spring-gardens, Haverfordwest.

KING, WILLIAM, & JOHN KING, Manchester. April 1. *Trustees*, F. Percival, Silk Merchant, Manchester; F. Briddon, Yarn Agent, Manchester. *Sol.* Harding, 73 Princes-st.

MITCHELL, HENRY JAMES, Tailor, Portsmouth. April 6. *Trustees*, C. B. Smith, Auctioneer, Portsea, and Wickham, Hants. Creditors to execute on or before July 6. *Sol.* Paffard, Portsea.

MULLOY, MICHAEL, Draper, Ardara, Ireland. Mar. 30. *Trustees*, W. Butterfield, Merchant, Manchester; M. Bottomley, jun., Manufacturer, Bradford. *Sols.* Seddon, Manchester; or Wade, Bradford.

REDMOND, JAMES, Haberdasher, Scotland-rd., Liverpool. Mar. 16. *Trustee*, P. G. Doyle, Bookkeeper, Liverpool. *Sol.* Reynolds, 15 Clarence-st., Liverpool.

TYRER, JOSEPH, & REUBEN TYRER, Provender Dealers, Liverpool. April 8. *Trustees*, E. Roberts, Accountant, 65 Pembroke-pl., Liverpool; W. Nisbett, Accountant, 23 St. James-ter., Liverpool. Creditors to execute before June 8. *Sol.* Teebay, Liverpool.

WESCOMBE, JOHN, Druggist, Watchet, Somersetshire. April 4. *Trustees*, W. Taylor, Yeoman, East Quantoxhead, Somersetshire; R. Trebble, Butcher, Williton. Creditors to execute before June 4. *Sol.* White, Williton.

Creditors under Estates in Chancery.

TUESDAY, *April* 12, 1859.

Last Day of Proof.

GREENWAY, GEORGE SULLIVAN, 8 Duke-st., St. James's (who died in or about the month of Mar., 1857). Greenway *v.* Greenway & others, V. C. Stuart. April 27.

FRIDAY, *April* 15, 1859.

ADAMS, THOMAS, Plumber, Great Malvern (who died in or about the month of July, 1853). Adams *v.* Adams & others, V. C. Stuart. May 7.

HUTCHISON, ELIZABETH KENNEDY, Widow, 12 Kensington-gardens, Hyde-pk. (who died in or about the month of July, 1858). Bristow *v.* Skirrow & others, M. R. May 6.

Windings-up of Joint Stock Companies.

UNLIMITED, IN CHANCERY.

TUESDAY, *April* 12, 1859.

NATIONAL ALLIANCE ASSURANCE COMPANY.—V. C. Wood orders that this Company be wound up from Mar. 25.

NEWCASTLE-UPON-TYNE MARINE INSURANCE COMPANY.—The Master of the Rolls orders a Call of £3 per share on all the Contributories, on or before April 28, payable to Mr. William Henry McCreight, Official Manager, 3 South-sq., Gray's-inn.

LIMITED, IN BANKRUPTCY.

BRITISH AND FOREIGN SMELTING COMPANY (LIMITED).—Mr. Commissioner Fane will, on May 3, at 11, at Basinghall-st., make a Call on all the Contributories.

EUROPEAN AND AMERICAN STEAM SHIPPING COMPANY (LIMITED).—Mar. 22; for winding up.

FRIDAY, *April* 15, 1859.

HOME COUNTIES AND GENERAL LIFE ASSURANCE COMPANY.—V. C. Kinderly orders a Call of £1 on each £1 share, and £2 on each £2 share, where £1 only has been paid, be made upon the Contributories, on or before April 28, payable to R. P. Harding, the Official Manager, 5 Serle-st., Lincoln's inn.

NATIONAL ALLIANCE ASSURANCE COMPANY (REGISTERED).—Proof of debts before V. C. Wood, at his Chambers. April 27, at 1; to appoint Official Manager.

LIMITED, IN BANKRUPTCY.

WEST HAM DISTILLERY COMPANY (LIMITED).—May 6, at 1.30; Basinghall-st.; proof of debts.

Scotch Sequestrations.

TUESDAY, *April* 12, 1859.

CHRISTISON, DAVID SMART, Merchant, Drumlithie. April 16, at 2; Mill-inn, Stonehaven. *Seq.* April 5.

MACKELLAR, MATTHEW RODGER, Drysalter, April 18, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* April 5.

TENNANT, WILLIAM GRAY, & RICHARD DICK, Commission Agents, Leith (Tennant & Dick). April 19, at 2; Crown-hotel, Princes-st., Edinburgh. *Seq.* April 7.

FRIDAY, *April* 15, 1859.

CHRISTIE, ALEXANDER, deceased. Coal & Iron Master, late of Lammerlaw, Fife (Alexander Christie & Co.) April 23, at 12; Dowells & Lyon's-rooms, 18 George-st., Edinburgh. *Seq.* April 12.

HAY, ALEXANDER, Boot & Shoe Maker, 112 Argyll-st., Glasgow (Kennedy & Co.) April 22, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* April 13.

M'LACHLAN, JOHN, Ironmonger, Stirling, presently an inmate of Gartnaval Asylum, Glasgow. April 19, at 12; Campbell's Golden Lion-hotel, Stirling. *Seq.* April 11.

WRIGHT, JOHN, Grocer, formerly of Hanley, Staffordshire, now of Bellgrove-st., Glasgow (Wright Brothers). April 19, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* April 11.

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THE SOLICITORS' JOURNAL.

LONDON, APRIL 23, 1859.

CONCENTRATION OF COURTS.

The Government has issued a Commission to inquire into the expediency of concentrating our superior courts of justice under one roof, and into the best means of effecting that object. Several of the Commission are eminent and trustworthy men; and we rejoice to see that the President of the Incorporated Law Society is among the number. Good must inevitably result from an impartial and authoritative inquiry in this matter, and we have only to add our hope that the Commissioners will be fully placed in possession of all the facts of the case, when no doubt can be entertained of the decision at which they will arrive.

THE CRIMINAL LAW BILLS.

In the Queen's Speech which opened the proceedings of the session now brought to a premature conclusion, the following passage occurred:—

> Your labours have, in recent sessions, been usefully directed to various measures of legal and social improvement. In the belief that further measures of a similar character may be wisely and beneficially introduced, I have desired that Bills may be submitted to you *without delay* for assimilating and amending the laws relating to bankruptcy and insolvency; *for bringing together into one set of statutes, in a classified form, and with such modifications as experience will suggest to you, the laws relating to crimes and offences in England and Ireland;* for enabling the owners of land in England to obtain for themselves an indefeasible title to their estates and interests, and for registering such titles with simplicity and security.

Ministers no doubt redeemed the promise which they thus put into the mouth of their Sovereign, so far as concerns the first and third of the subjects alluded to; and though we were unable to concur in the provisions and the policy either of the Landed Estates or the Debtor and Creditor Bills, it must be conceded that both these measures were brought in at a fair period of the session, and that ample time was afforded for their proper discussion. The Lord Chancellor and the Solicitor-General are, therefore, entitled to an acquittance from any charge of neglect of their pledges, whatever may be thought of the particular schemes in which their views were embodied. The third of the law reforms promised by Government, alluded to in that part of the speech which is printed above in italics, was entrusted to the Attorney-General, and it would have been well if that learned functionary had shown the same promptitude as his colleagues. A "set of statutes," which were held forth as condensing and simplifying the whole criminal statute law of England and Ireland, were promised us by Royalty itself, and that "without delay," of course to be considered and revised, and, if possible, passed into law, in the then session of Parliament. Nay, unless our memory greatly deceives us, more than one of the ministers alluded at the commencement of the session to these very Bills as a valid excuse for the postponement of the Reform Bill, and as a proof of the practical legislation likely to result from their tenure of office. But week after week the House sat on, and the Attorney-General made no sign. We beg his pardon for the expression—he *did* make a sign. Day by day his luckless Bills appeared on the notice paper, but for some good reason never came on for consideration. The other members of Government were ready at their posts, and, to do them justice, showered down measures with a rare zeal. Private members, though with only two days in the week at their disposal, found time and opportunity to make their statements and introduce their Bills. Why was Sir Fitzroy Kelly the only laggard in the race?—why was a member of the Government pledged on the subject, the only man who could not find room for legislation?

We put this matter strongly, because we conceive it to be one of grave importance. The revision of the statute-book has now been prominently before the public for some years. Much money has been spent, and many speeches have been made in its behalf, yet the result at present is inappreciable. Sir Fitzroy Kelly has been foremost among the advocates for consolidation, but when possessed of the power to carry out his elaborate plans, he has failed signally. What hope is there for the work when its proclaimed leaders shrink from the fulfilment of their promises?

Of the Bills themselves we shall say something on a future occasion. They seem to us neither consistent with each other, nor wisely framed in details; and it is melancholy to see how little has been effected, after years of preparation, for a consolidation, at once practical and comprehensive, of any portion of our multifarious Statute-book.

EDUCATION OF SOLICITORS.—EXAMINATIONS PENDING ARTICLES.

Would the interest of professional learning be best served—first, as proposed by the Incorporated Law Society — by a preliminary examination before articles (which at the university would be called a "little go"), and then by a further examination (or "great go") at the end of the five years, and with no inquiry whatever as to the student's intermediate pursuits; or, second, as the local law societies propose, by encouraging, if not requiring, one or more "moderations," or intermediate examinations during the five years' *curriculum?*

There can be no doubt that the problem is a general one, determinable by the qualities of human nature, and not a special one, different for law and for other branches of knowledge. The Examiners of the Incorporated Law Society are officers for the public; and the rules they make, and the practice they follow, should be influenced by the experience of all other bodies similarly situated. With every respect for our rulers, we cannot but think they have not looked outside their own brains, and that they must have acted on the crudest *à priori* consideration in the resolutions they have recently come to, giving up the scheme of permissive "moderation," so universally approved by the local law societies. We are willing to admit that our profession is eminently a conservative one, and that the single chamber of our solicitors' legislation is the House of Peers of our body. We admit, further, that our profession may well be behind other professions in the adoption of new principles into its

corpus juris of professional education; but we do still think the Incorporated Law Society should have looked abroad, and before condemning it should have first ascertained that the "moderation" system, which it has now, at the last moment, ostracized, had been found detrimental in the parallel institutions for education in medicine, and in the English Universities. A conference between the "Commons" of the profession, composed of delegates from the different law societies, and the Council of the Incorporated Law Society, mainly on this very subject, took place some two years ago; and at that period the Council cordially acquiesced in the views now advocated in our columns; and it is only on the production of the proposed Bill it is discovered that the Upper House has recanted. It is strange that this recantation is contemporaneous with an effort of some of the "dons" at Oxford to return to their old system in this matter—an effort likely, we are happy to see, to prove an abortive one.

In the last number of the *Saturday Review* (page 462), will be found an article on the subject of "The Oxford Examination Statutes," very interesting to any of our body who care to see that all is done to make the "degree" of "gentleman one, &c.," as honourable a degree as it can be made; and a mark of long training having been undergone, and a fair amount of knowledge, general as well as professional, having been obtained. To it we would refer our readers. The changes at Oxford have been the introduction of new or alternative branches of knowledge, as allowed parts of the curriculum; and 2nd, "It has," we quote the *Saturday Review*, "made it impossible to waste all but a few months of the university career, by establishing an examination intermediate between the little-go and the great-go."

The proposed reaction at Oxford seems to be confessedly (again to quote the *Saturday Review*) "that she may *outbid* Cambridge; not by offering a superior education, but by lowering the price, which, in the shape of time and labour, must be paid for a degree." . . . . "The changes she has already made have been in the right direction, and have been appreciated by the public. The spell of the old final school, with their spurious completeness, and their sacred triad of 'scholarship, history, and science' [*lege* for us common law, chancery, and conveyancing] "so imposing to the imagination, is finally broken. People are learning to respect university distinctions as marks of definite attainments."

The effect of our present system in making it "possible to waste all but a few months" of the five years, is a matter we shall be glad to speak further on; and we invite old students who have passed to communicate their experience on the point.

We referred, in our last week's impression, to the efforts making by those who have gained honours on examination, to have some permanent mark attached to their names. They must take care that they do not view this matter too much as a matter of a personal right vested in themselves. There can be no such right. All titles of honour must, in the nature of things, flow from the body at large, and be given purely in the interest of the body at large, and for the purpose of leading to higher educational results in that body. When legal education comes to be looked on and treated as a special university education, as it is in America, permanency of its titles of honour will follow as of course. Our rulers, if they are wise, will have before them, as their constant policy, the careful assimilation of the whole of our educational curriculum to that of a university; and to gain their personal object, our students with honours should attempt first to bring about this general result.

LOCAL EQUITY JURISDICTION.

We presume that it is now past question that the establishment of the county courts, for which the country is indebted to Lord Brougham, is a great benefit to the public, that on the whole it is not injurious to solicitors, and is the cause of but little loss to the bar. At all events, the system of local courts for the objects for which they were established has become a national institution, and the non-legal public, whether wisely or not, tends to seek for the extension of the jurisdiction of the county courts.

We cannot ignore the existence of this tendency, and it is as politic as wise that the profession should consider the projects to which the tendency gives rise.

Now, it has become a very frequent inquiry why, since county courts decide the questions between a baker and his customer so well, the same judges and the same courts should not administer justice in matters of purely equitable jurisdiction. The question is assumed to carry within it its own answer, that the judge who so well decides the legal dispute will give similar satisfaction in determining the equitable rights.

Lawyers, however, at least hesitate before they adopt so ready a conclusion. Mr. Smale addresses himself to this question in a paper which he read before the last annual meeting of the National Association for the Promotion of Social Science, at Liverpool, in which he endeavoured, at some length, and with some success, to show that, as at present constituted, the county courts are unfit tribunals for the decision of equitable questions, and the administration of equitable interests. The paper which he read has appeared in the Transactions of the Society; and, considering the importance of the subject, we have been induced, on the suggestion of friends in whose judgment we have confidence, to reprint the paper at length in our present number.

The objects of the writer are:—

1st. To show that, from the previous legal education of most of the county court judges, equitable questions would not be satisfactorily adjudicated on by them, and that county courts have not, at present, such a machinery as would work out the proper results of equitable suits.

2nd. He proposes that the Chancery Court of the County Palatine of Lancaster should be formed into an experimental local equity court, in which, as he thinks, the problem whether such a jurisdiction is practicable and beneficial may be best solved.

3rdly. He asserts that, if the judicial and quasi-judicial strength, in the shape of recorders, commissioners, revising barristers, the county court judges, and various other functionaries, were properly distributed, and efficiently and fully employed, and if a very few additional judges and officers were appointed, the equitable as well as the legal ability necessary to give an effectual local equitable jurisdiction to the country, as well as a merely legal jurisdiction, would be obtained, with very little addition to the expense of the judicial establishment of the country.

We do not agree with Mr. Smale in all his observations; indeed, we differ from him on several important points, but it is certain that the question has been taken up by the non-legal part of the community, and it is, therefore, obviously the interest of the profession to consider and discuss the whole subject. Mr. Smale's paper fully and fairly opens the question from the legal point of view, and we therefore insert it, hoping that it may induce a full discussion of the subject.

THE MAYOR'S OATH TO THE UNIVERSITY OF OXFORD.—Through the kind interference of the member for the university (Mr. Gladstone) and the member for the city (Mr. Cardwell), there is a fair prospect of this vexatious question being settled in an amicable manner, after spending something like £500 between the two bodies. We understand that the approval of Convocation will shortly be asked to allow a clause to be inserted in a public Act for relieving the city from the obligation in future, upon the understanding that the present mayor and sheriff take the oath.

The Courts, Appointments, Vacancies, &c.

HOUSE OF LORDS.

The Thellusson Case.—April 16.

Their Lordships sat this morning to receive the opinion of the judges upon a question of law submitted to their consideration in the above case. The appeal was from the Master of the Rolls, who decided that the respondent, Baron Rendlesham, answered to the description of the "eldest male lineal descendant" of Peter Isaac, and was therefore entitled to one moiety of the estate left by the testator, Peter Thellusson; and that the respondent, Charles Sabine Augustus, was entitled to the other moiety as "the eldest male lineal descendant" of Charles. The following was the question submitted for the opinion of the judges:—Whether the "eldest male lineal descendant" meant "the eldest descendant" in point of line, or whether the eldest descendant in point of age. In the first case the property would go to the son of the testator, in the latter it would go to the uncle of the son. The judges gave their opinion yesterday; six of them were in favour of the first proposition, namely—that the "eldest male lineal descendant" meant eldest male descendant in point of line; and two were for the latter construction, namely—that it meant the eldest male descendant in point of age. The opinion of the majority of the judges is in favour of the decision of the Master of the Rolls. Their Lordships reserved their judgment upon the whole case.

In consequence of this announcement the following amusing letter, aimed at the arguments that have been lately used in favour of requiring unanimity from juries, appeared a few days since in the *Times*:—

SIR,—I perceive, with regret, in your report this day of the appeal before the House of Lords in the great Thellusson will case, that the judges to whom the questions of law were referred by their Lordships have wilfully refused to agree in their view of them. It is a case of the utmost importance to the unhappy litigants, and a most serious grievance that they should be defrauded of their rights, or delayed in obtaining them by the impenetrable obstinacy of these learned functionaries, who will not think the same way, although any twelve London common jurymen would do so in no time under Lord Campbell's mildly persuasive guidance.

Now, this being the case, as I am a great admirer of our ancestors, and always for the "Stare super vias antiquas" principle, will you allow me to suggest that the only right and sensible way of treating these legal delinquents is to lock them up for a whole week, without food, fire, or candle, and, if at the end of that time they still obstinately persist in differing, let them each be severally trundled in a wheelbarrow to the Land's-end, and there tumbled into the sea at low water; and if this don't cure them, I don't know what will. If you will kindly insert these few lines in your paper to-morrow they may still catch Lord Lyndhurst's eye in time to enable him to make a motion to the above effect.—Your obedient servant,

London, April 18. H. G. S.

COURT OF CHANCERY.

(Before the Lords Justices of Appeal.)

In re Hunt, a Solicitor.—Thorndike v. *Hunt, and Browne* v. *Butler.—April 16.*

The appeal in the above-mentioned suit was heard by the Lords Justices on the 31st of January last, when they overruled a decision of the Master of the Rolls, and after some time ordered Mr. Warwick Augustus Hunt, the elder, a solicitor of the Court, to show cause why, upon the matters appearing upon the petition under appeal, he should not be struck off the roll of solicitors of the Court. The matter was now placed in the paper, but no counsel appeared to show cause. The circumstances out of which the matter arose will be best understood by a short statement:—

Mr. Warwick Augustus Hunt, sen., was a trustee under the will of Mrs. Emily Linzee, widow, by which certain stock was given to her three daughters for their lives, with remainder to their children respectively. Of this sum, Mr. Warwick Augustus Hunt obtained possession, and from time to time he sold out parts, and applied the same to his own purposes. The same gentleman was also a trustee under the will of Mr. George Elliott Vinnecomb, under which Mrs. Thorndike took a life interest in a sum of Consols, with remainder to her children. This fund Mr. Warwick Augustus Hunt sold out and appropriated to his own uses. Upon Mrs. Thorndike filing a bill against him, to have a declaration of his liability to make good the same, she obtained an order for him to transfer the amount. He transferred £3,253 to the credit of the cause *Thorndike* v. *Hunt*, which was, in fact, part of the trust estate of Mrs. Linzee. The dividends of this sum were for several years paid to Mrs. Thorndike. Mr. Warwick Augustus Hunt became insolvent, and the suit of *Browne* v. *Butler* was instituted by the persons who were beneficially interested under the will of Mrs. Linzee, to substantiate their rights. A petition was presented in both suits by the plaintiffs in *Browne* v. *Butler*, praying that the £3,253 might be transferred from the suit of *Thorndike* v. *Hunt* to the other suit, and that the dividends already paid to Mrs. Thorndike might be repaid; and the Master of the Rolls made an order in conformity with that petition, and from that order the plaintiffs in the first cause appealed, and the Lords Justices reversed that decision on the 31st of last January, at the same time ordering, as before stated, that Mr. Warwick Augustus Hunt, sen. (who, in 1831, married one of the children of Mrs. Linzee), should show cause why he should not be struck off the roll, in consequence of the part he had taken in the matter.

Mr. *Taylor* now applied to the Court to make the order absolute for striking Mr. Hunt off the roll, he having been served with the order of their Lordships on the 14th of March, and no affidavit had been filed, nor did any counsel appear on behalf of Mr. Hunt.

Lord Justice Knight Bruce.—I think that this gentleman had better not remain upon the roll.

Lord Justice Turner concurred, and the order was made absolute.

COURT OF QUEEN'S BENCH.

Re J. S. Robins, an Attorney.—April 15.

Mr. Kingdon said, he appeared to show cause against a rule obtained by Mr. Garth, which was, to strike an attorney off the rolls, for appropriating to his own use the sum of £18, given to him by a lady to pay succession duty. The defendant admitted the charge, and stated that he had mixed the £18 with his own money, and, being in difficulties, he had applied it to his own use, relying upon receiving some money in respect of debts, which turned out to be bad. He had, however, been already severely punished for his offence, for he had been convicted, and sentenced to six months' imprisonment, during which time he had been suspended from practice. He now, therefore, threw himself on the mercy of the Court, and hoped the Court would think the punishment he had already endured was sufficient.

After conferring with the other judges,

Lord Campbell said, this was a very painful case. The attorney had greatly misconducted himself, and had suffered most lamentably; but the only question for the Court now was, whether, after so misconducting himself, though he had suffered greatly, he ought to remain on the roll of the attorneys of this Court. He (Lord Campbell) thought he ought not. Mercy ought to be shown to the suitors, and, after what had happened, the attorney was not fit to remain an officer of the Court of Queen's Bench.

The other judges concurred.

Rule absolute to strike the name off the roll.

In re Greer.—April 16.

Mr. *Lush*, Q.C., moved that the service of the applicant, who was an attorney's articled clerk, should be allowed to be calculated from the execution of the articles. The original articles had been executed on the 17th of October, 1854, on unstamped paper; but there was no intention of serving under unstamped articles. The deed having been put away along with other deeds, it could not be found when searched for; and in consequence, in May, 1856, the applicant entered into fresh articles, which were duly stamped. The original articles were afterwards found. Application was made on the 6th of February, and leave was obtained to have the original articles stamped, on cancelling the second articles. That had not yet been done, but would be so if the Court should grant the present application. The learned counsel cited *Re Lewis Hand* as in point.

The Court granted the application.

Re ——, an Attorney

Mr. *Gray* moved for a rule calling upon an attorney of this court to show cause why he should not pay the applicant the sum of £100, with six months' interest. The money had been entrusted to the attorney to lay out on mortgage, which had not been done.

Lord Campbell said, the learned counsel might take a rule. His Lordship then referred to the case in this court, decided yesterday, in which an attorney had been struck off the rolls for applying trust money to his own use, and made some strong observations upon the misconduct of attorneys in such cases, and the pretences which they made to cover their misconduct. —Rule nisi granted.

COURT OF PROBATE AND DIVORCE.

Shedden and Shedden v. *The Attorney-General and Patrick.*
April 14.

The petitioners in this case, Mr. W. P. R. Shedden, and his daughter, Miss Arabella J. R. Shedden, prayed for a declaration, under the Legitimacy Declaration Act of last session, that the male petitioner's father, William Shedden, was lawfully married to Ann Wilson, in the State of New York, in 1790, and that the petitioners were the lawful son and granddaughter of that marriage. An order had been made by the full Court that the persons who would be the heir-at-law and next of kin of William Shedden, if the petitioners' illegitimacy was established, should be cited to answer this petition.

Dr. *Deane*, Q.C., for Mr. Robert Patrick and Mr. William Patrick, who had been cited according to that order, now moved for an order to stay proceedings until the petitioner had paid the costs of the former proceedings in which he had been unsuccessful. It appeared from the affidavits read by the learned counsel that litigation had been going on for the last sixty years upon the same question as he contended, which was raised by the present petitioner. In February, 1854, the case came by appeal from the Court of Session in Scotland before the House of Lords, and after a hearing which occupied twenty-one days, their Lordships dismissed the present petitioner's appeal with costs. The costs of Mr. Robert Patrick had been taxed at £1,061, and those of Mr. William Patrick at £268, but they had not been paid by the petitioner. It had come to the knowledge of the respondents that the petitioner had been arrested at the suit of another person, and confined in the Queen's Prison. They then lodged detainers against him for the amount of the costs, and he was still in prison.

Sir C. Cresswell was not surprised that the respondents had made this application, but was of opinion that he had no authority to grant it. The Act conferred upon the Queen's subjects a new privilege unfettered by any restriction respecting any former proceedings, and in the absence of an express provision in the Act, he had no jurisdiction to make the order prayed for.

Dr. *Phillimore*, [Q.C., with whom was Mr. *J. A. Stephens*, for the petitioners, asked for the costs of the present motion; but

His Lordship refused to grant them.

COURT OF COMMON PLEAS.

Andrews v. *Garrett.*—*April* 15.

This was an action for goods and clothes supplied to the defendant's son, and also on an agreement of the defendant to pay a moiety of the debt. The action was tried before the Lord Chief Justice in London, when his Lordship directed a nonsuit, reserving leave to the plaintiff to move to set aside the nonsuit.

Mr. J. J. Powell now moved accordingly.

It appeared that the defendant, who is a gentleman residing at Aldborough, in Suffolk, in 1856 had a son at Addiscombe College. The plaintiff, who is a tailor, &c., residing in the neighbourhood, supplied his son with clothes on the order of the son, and allowed him credit to the extent of 69*l.* 10*s.* The clothes supplied were plain clothes, and were supplied without the father's knowledge. The cadets at the college are prohibited from appearing out of uniform. On the defendant being made acquainted with the debts owing by his son, he wrote to the plaintiff—"I have just been informed of the shameful way you and others have been taking advantage of my poor boy." He went on to say he would not hold himself liable for one shilling, and would defend any action brought against him for the debt his son had incurred; but, "without prejudice," he offered to pay a moiety of the debt, and try and enable his son to pay the other moiety, if the plaintiff would not supply him or trust him with any more goods, nor introduce him to others who would, nor molest him in any way. On this being agreed to by the plaintiff, the plaintiff was to send in his account to the defendant. The plaintiff answered this by a letter, stating —"I have sent you the account as required." Subsequently this offer was renewed. The plaintiff then replied that he would take half the debt, on condition that his rights against the son were reserved. This was not acceded to, and the plaintiff brought his action.

Mr. *Powell* contended that the clothes were necessaries, and that in the early part of the correspondence there was an acceptance of the defendant's offer, and a complete and good agreement on which to found the action.

The Chief Justice said, seeing that the cadets were strictly prohibited from wearing anything but uniform, he thought the clothes supplied were not necessaries. It was very sad that credit should have been given to a lad of this age, who was at school. The agreement of the defendant to pay a moiety was on a condition, to which the plaintiff had not conformed, and he therefore thought the nonsuit right.

The other learned judges entirely concurred.—Rule refused.

Hemming v. *Hale and another.*

This was an action tried before Mr. Justice Crowder at the sittings in London, when a verdict was found for the defendant.

Mr. *Griffits* now moved for a rule to set aside the verdict and for a new trial on the ground of misdirection. The action was brought against the sheriff of London for an escape. The plaintiff employed an attorney named Robertson to sue his debtor, and having obtained judgment against him, the attorney did not like to issue a ca. sa. in his own name, but employed another attorney, named Winter, to issue the ca. sa. The debtor was taken into custody. The amount due was £20, and this sum the debtor paid to the officer, and between the officer and the plaintiff it had to pass through various hands, one of whom decamped with the money; and the question was, whether the sheriff was liable. The learned counsel, relying in the case of *Connop* v. *Challis*, and *Wood* v. *Fellis* (7 Exch.), contended that the attorney employed had no right to receive the money; he was merely a special agent to issue the ca. sa., and in discharging the debtor on his payment of the money to the hand which had no authority to receive it, the sheriff was liable.

Rule nisi granted.

COURT OF EXCHEQUER.

The Dissolution and Counsel.—*April* 20.

The Attorney-General said, he had to apply to their Lordships, with the consent of the learned counsel engaged on the other side, that several cases in which he was engaged should be allowed to stand over, and alleging as a reason that probably for the next four weeks counsel would necessarily be absent from town.

The Lord Chief Baron said, a general election at this period of the year was an unusual circumstance. It usually took place during the long vacation, and he had no doubt the Court would readily afford every facility to learned counsel engaged in elections.

Mr. Baron Martin said, the elections would be over before the end of term.

The Attorney-General said they would, but it would only leave them two or three days.

Mr. Baron Martin.—The last day of term is the 12th of May.

The Attorney-General said, he was afraid many of them would be engaged up to the 9th or 10th of May.

Mr. Baron Martin said, that might be in Ireland, but not in England.

The Attorney-General said, it was a long time since his Lordship was engaged in election matters. There was first the proclamation, then the nomination, and then the polling.

The Lord Chief Baron.—And then the long speeches.

Mr. Baron Marain.—And after that a flight.

The application was granted.

INSOLVENT DEBTORS COURT.

(Before Mr. Commissioner Murphy.)

In re Francis Blake.—*April* 16.

The insolvent had been an attorney in respectable practice for thirty years, in King's-road, Bedford-row, and John-street, Bedford-row, and was opposed by two creditors, Mr. William Beevers and Mr. Atkinson. His debts were £26,776, and he admitted that there was little or nothing for the creditors. The opposition of Mr. Beevers was on the ground of the insolvent having taken £1,000 from him and given him a mortgage upon an estate in Ireland, which turned out to be useless, and the opposition of Mr. Atkinson was upon the fact that the insolvent (who was at one time London agent for his brother, Mr. Rowland Atkinson, an attorney) had taken £1,500 of his money, and had given him a mortgage upon some property in Derbyshire, which was of no value, and he had never been able to get back a farthing of the money. Another ground of complaint on the part of Mr. Atkinson was, that being the medical attendant of a person named Whopham, who was interested in some property under the administration of the Court of Chancery, the insolvent induced him to become trustee jointly with his (Blake's) son. The insolvent afterwards received between £1,200 and £1,300 of the trust funds which Mr. Atkinson was compelled to replace, but he had succeeded in recovering from his co-trustee, the insolvent's son, about £400.

The insolvent stated that the property at Matlock was most valuable, and he fully believed would have been ample security for Mr. Atkinson's advance; but when sold it had been sacrificed, the prior mortgagees only caring to obtain sufficient to pay off their own debts. Upon getting back the joint bond from Mr Atkinson, he handed it to Mr. Playford, to whom he also gave his furniture and carriage, on account of a debt due to him. Since 1856 he had been out of business, and had resided with various members of his family, who had supported him.

The learned counsel having addressed the Court for their respective clients,

Mr. Commissioner MURPHY gave judgment. He said, the case was too clear to admit of the least doubt. With respect to Mr. Beevers' case, he thought that in the beginning that was a perfectly fair transaction, and nothing wrong could be imputed to the insolvent until the receipt of the £1,600 by him from the Incumbered Estates Court, when, instead of paying Mr. Beevers his £1,000, he spent it for his own purposes, and left the opposing creditor in ignorance of the fact that his mortgage deed had become a worthless parchment. Mr. Atkinson was also a great loser by the insolvent's conduct, both in the original transaction of the loans, and the subsequent trusteeship which he had persuaded the creditor to assume. The case was a most painful one; but duty and conscience required him to pronounce a serious judgment, not only as a punishment for the insolvent's offences, but as a warning to others. The insolvent would be discharged after the lapse of two years from the date of the vesting order, for fraudulently contracting the debts of Mr. Beevers and Mr. Atkinson.

Two years is the maximum of remand which this Court can pronounce in cases of fraud.

BOW STREET.

Mr. Richards, a solicitor, accompanied by Mr. Henry J. David, late of New York, attended before Mr. Hall, on the 15th inst., and made the following application:—He reminded the Court that some time ago his client, Mr. David, was apprehended, and detained in prison for seven weeks, upon a warrant, obtained under the Extradition Act, the operation of which in the present instance had been most cruel and oppressive. Mr. David was charged with forgery, alleged to have been committed in America, and after having been kept in custody from week to week, was ultimately discharged in consequence of the non-appearance of Mr. Keen, the prosecutor. There appeared to be no way of redress opened to his client; but it happened that while Mr. David was dining with a friend at a public tavern, on Sunday last, Mr. Keen entered the room casually, took a seat, and called for a cigar. Mr. David, actuated by a momentary impulse, rose to inflict personal chastisement upon his accuser, but was restrained by his companion; and Mr. Keen, on observing him, made some remark to the waiter about his being in great haste, having to leave London that night, and hurried out of the room. It had occurred to him (Mr. Richards) that it might be in the power of the Court to grant him some assistance in the effort to make Mr. Keen responsible for the conduct he had pursued towards Mr. David—responsible, at least, for the contempt of Court, of which he had been guilty. The solicitor then entered into a statement of some important details, and produced a number of Mr. David's cheques, all endorsed by Mr. Keen himself, and subsequent to the date of the alleged forgery. These had been procured from Mr. David's bankers at Philadelphia, and they amounted to upwards of £1,400; while he held title-deeds in his hand to show that his client possessed freehold property in New York city to the value of £35,000.

The local "Directory" for several years was exhibited, to show that there was only one H. J. David in New York up to 1856, when he left America; and that in the next year's "Directory" the name was omitted. A number of letters, addressed to "H. J. David, 13, Wall-street, New York," were also put in.

Mr. HALL, after examining the papers, said, the anxiety of Mr. David to have the matter investigated was very natural, but he had no power either to compel Mr. Keen to attend, or to punish him for not attending. The statements of Mr. Richards were very startling, and seemed to show that Mr. David had been charged with forging his own name. No one could have been more surprised than he (Mr. Hall) was at the termination of the case, after the repeated assurances given that Mr. Keen would be present. A gentleman's character might be seriously affected by such proceedings, and the Extradition Act used to inflict a great hardship; but it was not in the magistrate's power to afford him any redress.

CHANCERY EVIDENCE.

Mr. Forester Edwards, in a letter to Lord Lyndhurst, on the mode of taking evidence in the Court of Chancery, makes out a pretty strong case against each of the three classes of testimony in use there. Of the affidavit he says that "an unscrupulous colouring of truth is too frequently its natural characteristic. There is not even the pretence that it discloses the whole truth as known to the witness. It professes simply to be a narrative of such parts of the truth as are favourable to the party using it." For this latter fact the judge must be able to allow in giving weight to it, however, and it is none the worse for not professing to be more than it is; but he further holds that this species of testimony is unusually liable to give not the whole truth, but something more than the truth. The unwillingness of the Chancery Bench and Bar to resort to oral examinations before the judges he holds to be extremely natural in the present undeveloped condition of their examining faculties, and also to be incurable unless by the suppression of written evidence. The system of examiners he justly characterises as tedious, expensive, and unsatisfactory. In fine, Mr. Edwards pledges himself, in the event of Lord Lyndhurst procuring a select committee to inquire into the matter, "to render patent to such a committee the absurdities and atrocious evils of the existing mode of determining facts in the courts of equity." In addition to the suppression of written evidence, the bill and answer being nothing more than the simple case of plaintiff and defendant, to be proved by the evidence of the parties, Mr. Forester's scheme proposes to create four assistant-chancellors, or judges of fact, to hold circuits twice a year, so as to bring equity to every man's door. "Above all," he insists, "let the hearing of each cause, so far as possible, be continuous, whether in court or in chambers, and let us get rid of the absurd and mischievous patchwork mode especially adopted in chambers, the effect of which is, to waste one half the time of chief clerks and solicitors in trying to understand what the other half is to be employed in doing."

CONCENTRATION OF COURTS COMMISSION.

The Queen has been pleased to appoint the Right Honourable Sir John Taylor Coleridge, Knt.; Sir William Page Wood, Knt.; the Right Honourable Sir George Cornewall Lewis, Bart.; the Right Honourable William Samuel, Baron Wynford; Robert Phillimore, LL.D.; and John Young, Esq.; to be her Majesty's Commissioners to inquire into the expediency of bringing together, into one place or neighbourhood, all the superior courts of law and equity, the Probate and Divorce Courts, and the Court of Admiralty, and the various offices belonging to the same, and into the means which exist, or may be supplied, for providing a site or sites, and for erecting suitable buildings, for carrying out this object.

THE LAWS OF JERSEY COMMISSION.

The Queen has also been pleased to appoint Sir John Wither Awdry, Knt., the Right Honourable William Reginald, Earl of Devon, and Richard Jebb, Esq., barrister-at-law, to be her Majesty's Commissioners to inquire into and report on the Civil, Municipal, and Ecclesiastical Laws and Customs now in force in Jersey.

MIDDLESEX SESSIONS-HOUSE.—At a meeting of the magistracy, held on the 14th inst., to consider the county business, a report was brought up from the committee on general purposes on the alterations of the Sessions-house. A tender just under £6,500 was accepted, and the works were to commence forthwith. The business of the clerk of the peace and the treasurer's offices will be carried to No. 6, John-street, Bedford-row, in the meantime, and the sessions will be held at Westminster.

GRAND JURIES.—The following letter, referring to the debate in the House of Lords last week, when the Lord Chancellor's Indictable Offences (Metropolitan) Bill was under discussion, has been addressed to the *Times*:—

Sir,—It is evident, from Lord Overstone's speech on grand juries on Friday last, that he must have fallen into the very common error of grand jurymen at quarter sessions, and have tried the prisoners instead of the bills.

Chairmen of sessions usually point out to the grand jurors that they have nothing to do with the guilt or innocence of prisoners; that they have merely to find whether there is evidence sufficient for the case to go before the petty jurors; but, in spite of warning and advice, the grand jurors will poach upon the manor of the petty, and dive into evidence quite unnecessary, and at great length. Lord Overstone has evidently been guilty of poaching, and has inflicted upon himself "severe punishment."

I am no advocate for grand juries, and I think their days are numbered.—I am, Sir, yours very faithfully, HARRY MAINWARING.

Power-hall, April 18.

High Bailiff of Southwark.—On Saturday last the Lord Mayor fixed the election of a gentleman to fill the office of High Bailiff of Southwark for Thursday, the 5th of May next, the Government having determined that the appointment should be filled up by the Corporation; the party elected, however, not to be in a position to claim any retiring allowance, in the event of the office being abolished by the proposed Corporation Reform Bill. The salary (independently of fees, which will be of but trifling amount) is to be 100 guineas per annum. Mr. Gresham, one of the late common councilmen for the ward of Farringdon Without, is the only candidate at present in the field. The appointment is vested in the Common Council.

High Bailiff of the City of Westminster.—Mr. Henry Scott Turner, solicitor, 42, Jermyn-street, St. James's, steward of the manors of Biggleswade and Elsworth, Cambridgeshire, has been appointed High Bailiff for the city and liberty of Westminster, in the room of the late Mr. Smedley.

High Bailiff of the Westminster County Court.—The judge of this court has appointed his son, Major John Arthur Bayley, who was present at the siege of Delhi, and wounded in the attack, to the office of High Bailiff to the County Court of Westminster.

Wills.—The will of W. Pritchard, Esq., of Doctors' Commons, and formerly of 22, Kensington Park-gardens, but late of No. 5, the Ceders, Putney, High Bailiff of Southwark, was proved in the principal registry in London, on the 5th of April, by Ruth Anne Pritchard, widow, the relict and sole executrix. The personal property is sworn under £7,000. The will of Francis Smedley, Esq., of Grove Lodge, Regent's Park, High Bailiff of Westminster, was proved in the principal registry of London on the 24th of March, by Francis Sarah Smedley, widow, the relict, and Francis Edward Smedley, Esq., the son. The personalty was sworn under £120,000.—*Illustrated London News.*

Hong Kong.—W. H. Adams, Esq., M.P., Recorder of Derby, has been appointed Attorney-General at Hong Kong.

Honour of Knighthood.—The Queen has been pleased to grant the dignity of a Knight of the United Kingdom to Brenton Haliburton, Esq. (Sam Slick), Justice of Nova Scotia.

Notes on Recent Decisions in Chancery.

(By Martin Ware, Esq., *Barrister-at-Law.*)

Administration—Residuary Devisee and Specific Legatee.

Rotherham v. *Rotherham*, 7 W. R., M. R., 368.

In this case the Master of the Rolls decided, following the authority of *Dady* v. *Hartridge* (6 W. R. 368), (*coram Kindersley*, V. C.), that real estates comprised in a residuary devise are liable to payment of debts in priority to personal estate specifically bequeathed; and he directed a sale of the residuary real estate for that purpose.

Before the Wills Act (1 Vict. c. 26), all devises of real, although in terms residuary, were in reality specific; but the alteration in the law effected by that statute in making the will speak from the death of the testator as to real estate, and directing lapsed devises to fall into the residue, have rendered it probable that the Courts would hold that a residuary gift of realty was to be placed on the same footing, in admitting the assets, as a residuary gift of personalty; and as that has now been decided by both *Kindersley*, V. C., and the Master of the Rolls, the question may be considered as settled. (See "Seton on Devises," 153.)

Fines and Recoveries Act—Protector—Married Woman.

Keer v. *Brown*, 7 W. R., V. C. W., 372.

It is very seldom that any questions now arise on the construction of that well-considered and carefully drawn Act—the Fines and Recoveries Act. The present case arose out of rather a subtle objection, taken by a purchaser, to a disentailing deed made under a settlement, which was executed before the passing of the Act. The estate was limited in 1805 to the use of a married woman for life, with remainder to the use of her children in tail; and the settlement contained a declaration that the life estate of the married woman should be for her separate use. In 1841, one of the children executed a disentailing deed, in which the married woman joined as protector, and the question raised was, whether her consent as protector was sufficient without the concurrence of her husband. The Act provides (s. 24) that where an estate is limited to the separate use of a married woman, she shall be sole protector, and the concurrence of her husband is not required. But there is a subsequent clause (the 31st), which enacts that where under any settlement made previously to the passing of the Act the person who, if the Act had not been passed, would have been the proper person to be made tenant to the præcipe for the purpose of suffering a common recovery, would be a bare trustee, he should still be the protector of the settlement. Now, it was acknowledged that, before the Act, the husband of a woman to whom a legal estate was given for her separate use, would have been the proper person to make tenant to the præcipe, and it was objected that he was a bare trustee within the meaning of this section, and ought to have consented as protector. The question, in fact, was, whether the 24th section, appointing the married woman protector of her own separate estate, was retrospective, and applied to settlements made upon the passing of the Act; or whether it was merely prospective, and left the case of previously existing settlements to the operation of the 31st section. The Vice-Chancellor decided that the 24th section was retrospective, and that the case of a "bare trustee" referred to in the 31st section did not refer to a person filling the position of a husband, for the husband's case had been previously provided for.

Power of Sale—Duration.

Taite v. *Swinstead*, 7 W. R., M. R., 373.

In this case an important question arose as to the duration of a power of sale given to the trustees of a settlement. Certain freehold estates were devised to trustees and their heirs upon trust as to two undivided fifths for two persons in fee; and as to the remaining three undivided fifths upon trust for certain persons for life, with remainder to their children in fee. And a power of sale was given to the trustees over the whole of the estates. As to two of the three settled fifths they had vested in the children in fee, and the trusts were therefore exhausted; so that the trusts of the settlement only remained effective as to the remaining fifth part. Under these circumstances, the trustees sold the whole estate; and the question was, whether their power was still in existence. There is no doubt that, if the whole of the estate had been originally limited in fee, the power would have been bad in its inception; and, on the other hand, it is equally clear that, as soon as all the shares had vested in fee, the power would be extinct. But the Master of the Rolls held, that, as some part of the estate was in settlement, the power was good in its inception, and that the power lasted until the whole of the trusts were exhausted. His Honour said, "I think that the circumstance of two shares being given in fee did not prevent the testator giving a power over the whole estate; and the fact that two other shares have since vested in fee does not prevent the power continuing as long as any trusts remain."

Void Marriage—Testamentary Appointment.

Southall v. *Jones*, 7 W. R., 381 (Court of Probate).

This was a singular case, arising on the testamentary appointment of a woman who had made an invalid marriage. The testatrix, in contemplation of marriage, executed a settlement, whereby a certain fund was settled upon trust, after the death of her husband, and on failure of issue, for such persons as she should, by her will, notwithstanding her coverture, appoint. The marriage was solemnized, but was void in law, being with her deceased sister's husband.

During the de facto coverture, she made a testamentary instrument reciting the settlement, and, in pursuance of the power therein contained, appointing the fund among certain legatees. After her death it was contended that the instrument, being only intended as an execution of power in the settlement which was void, was also void. It was, however, decided by Sir *C. Cresswell*, that the gift might operate under her general testamentary power of disposition; and although it was executed under a mistake, still as it showed a manifest intention to benefit the legatees, effect ought to be given to it. He, therefore, directed the instrument to be admitted to probate. (See "Sugden on Powers," 6th ed. 443.)

Expelling a Sheriff.—A constable at Rochester, a few days ago, undertook to turn a man out of court, who he thought was interrupting the proceedings. The gentleman quietly withdrew, and the constable soon after was informed that he had *turned out the sheriff.*

Notes on Recent Cases at Common Law.

(By James Stephen, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice, &c., &c.)*

8 & 9 Vict. c. 109, Construction of—Stock Transactions.

Ashton v. *Dakin*, 7 W. R., Exch., 384.

By a statute passed in the year 1845 (8 & 9 Vict. c. 109) careful provisions were made to render the existing laws for the suppression of *gaming-houses* more effective, and among these was inserted a clause founded on previous enactments (9 Ann. c. 14, amended by 5 & 6 Will. 4, c. 41) with the same general object of discouraging gambling, to the effect that all contracts (whether by parol or in writing) "by way of gaming or wagering" should be null and void, and that no suit at law or in equity should be brought to recover from a shareholder a deposit on a wager—stakes or prizes at lawful games being, however, excepted from this prohibition. In the present case, a defendant sought to take advantage of this provision under the following circumstances. He had employed the plaintiff (who was a stockbroker) to purchase as a speculation certain railway shares, arranging for their being paid for at such a time as to allow of their being resold before the settling day on the Stock Exchange, so as to profit or lose on them according as the market rose or fell in the interim. These shares were accordingly bought and resold by the plaintiff through the medium of his agent (another stockbroker). For this transaction such agent was by the custom of the Stock Exchange himself responsible, but "bought and sold notes" were sent by him to the plaintiff, by whom they were handed over to the defendant. The present action was brought to recover brokerage for the above-mentioned purchases and sales from the defendant, by whom they were ordered; and this claim was resisted on the ground that it was a wagering transaction, and falling, consequently, within the above-mentioned statute, was a debt of honour merely. The Court of Exchequer, however, held, that this defence was as illegal as it was clearly dishonourable. Had there been no stock actually purchased, it would have been different, but—said the Chief Baron—"I see no objection to a man saying to a broker, buy corn (or anything else) for me, and let the bargain be so as to the day of payment, that you may have an opportunity of reselling it for me by such and such a day, when I expect the market will have risen, and then you will pay the seller for me with the money you receive from the purchaser, and I shall receive the gain from you, if any, or pay you the loss. And if a man may do this himself, he may also do it through an agent. That is not gaming." (See "Chitty on Contracts," by Russell, p. 440.)

Plea of "Not Possessed," Effect of—Amending under 15 & 16 Vict. c. 76, s. 222.

Adams v. *Smith*, 1 Fost. & Fin. 311.

This is a case which is illustrative of the evils which may, even under the system introduced by the Procedure Acts of 1853 and 1854, follow from a mistake in pleading. An action of trespass was brought for building on the soil of the plaintiff, to which the real defence was, that the locus in quo was a highway, and that the action therefore was brought by the wrong party. Instead of pleading however a highway, and that by a local Act the soil therein was vested in certain commissioners, the pleader had placed on the record a plea of "not possessed," being of opinion that such was the proper mode of raising any question as to the effect of the local Act on the title of the plaintiff. At the trial, however, *Bramwell*, B., thought otherwise, and would not allow the record to be amended, because it did not appear that any question had arisen between the parties to the action, except as to their own respective titles; and that, consequently (on the authority of *Wilkin* v. *Reed*, 15 C. B. 192), the provision of the Common Law Procedure Act (s. 222), allowing the judge to amend the record, so as to enable the point in controversy between the parties to be determined in the existing suit, did not apply. He left it, however, to the jury to say whether the locus in quo was a highway, and they found that it was not. Had they found otherwise, the mistake in pleading might have prevented what was a good defence being used at the trial. (See Roscoe's "Evid. at Nisi Prius," by Smirke & Prentice, p. 223.)

Admissions—Effect of not answering a Letter.

Keen v. *Priest*, 1 Fost. & Fin. 314.

In this case, *Bramwell*, B., admitted as evidence of a demand, made on behalf of the plaintiff, for compensation for an alleged injury, a certain letter, written by his attorney to the defendant, which had not been answered—observing, "the conduct of the defendant is evidence against him, and silence may sometimes be conduct." The authority for the ruling appears to be *Gaskill* v. *Skene*, 14 Q. B. 664. (See "Roscoe on Evidence," p. 53.)

Retainer, Evidence of—Action for Negligence.

Moss v. *Solomon*, 1 Fost. & Fin. 342.

This was an action for negligence against an attorney for not having proceeded with sufficient diligence in an action on a bill of exchange, and the declaration alleged that the plaintiff had employed the defendant to sue as his attorney. It appeared, however, that though the plaintiff, being the owner of the bill in question, had requested the defendant to recover its amount for him, the defendant had declined to accept the plaintiff as his client in the matter, and that the bill had been thereupon endorsed over to another person (an old client of the defendant's), in whose name the action on it was brought. Under these circumstances *Willes*, J., held there was no sufficient evidence of a retainer by the plaintiff (which was denied by the pleas), and directed a nonsuit. He also refused to amend, saying the matter was one of substance going to the very basis of the action.

Action for Malicious Arrest—Proof of "Malice," what is.

Clark v. *Mamford*, 1 Fost. & Fin. 362.

Another action against an attorney.

It was for "maliciously" causing a ca. sa. to be issued on a judgment for costs—there being no debt, and the writ in the action in which the judgment had been signed having been issued by arrangement. *Watson*, B., in his charge to the jury, said, that to satisfy the term "maliciously," it was not necessary that there should have been any spite or revenge in the defendant towards the plaintiff. If, from any indirect motive, as to extort money to which he was not fairly entitled, the defendant acted as complained of, that was sufficient. (See "Roscoe on Evidence," p. 553.)

Privilege from Arrest eundo morando et redeundo, a Court of Justice.

Price v. *Clutterbuck*, 1 Fost. & Fin. 379.

An attorney has the same temporary privilege of freedom from arrest which is allowed to counsel and to witnesses, eundo morando et redeundo, a court of justice to which his professional duty calls him. It appears, however, that the court must be one to which he has been admitted to practise; for otherwise—his attempting to practise there without being on the roll being a contempt—the privilege does not arise. It may be incidentally observed, that it has been held, that the above immunity from arrest does not extend to the *clerk* of an attorney, though professionally engaged in his master's business (*Phillips* v. *Pound*, 7 Exch. 881).

Parliament and Legislation.

HOUSE OF LORDS.

Friday, April 15.

Public Offices Bill.

This Bill passed through committee.

Superannuation Bill.

This Bill with amendments was read a third time.

Municipal Election Bill.

Amendments to this Bill were reported.

Confirmation and Probate Act Bill.

This Bill was read a second time.

Tuesday, April 19.

The Royal assent was given to the Manor Courts (Ireland) Bill, the Evidence by Commission Bill, the Indemnity Bill, the Marriage Validity Bill, the Manslaughter Bill, the Public Offices Extension Bill, the Confirmation and Probate Act (1858) Amendment Bill, the Remission of Penalties Bill, the Affidavits by Commission Bill, the Superannuation Bill, the Municipal Elections Bill, and a number of private Bills.

The commissioners (the Lord Chancellor, the Marquis of Salisbury, the Earl of Hardwicke, the Marquis of Exeter, and Earl de la Warr) read the speech of her Majesty announcing a dissolution of Parliament.

The Lord Chancellor then prorogued Parliament till the 5th of May.

HOUSE OF COMMONS.

The late Trials at Belfast.

Mr. M'Mahon asked the Attorney-General for Ireland whether he could give any explanation relative to the setting aside of jurors on the late trials for Ribandism at Belfast, and state the names of the jurors set aside, and the cause for which each juror was set aside?

Mr. Whiteside had no objection to answer the question of the hon. and learned gentleman, but under a protest, for the House of Commons was not the place to inquire into the composition of a legal tribunal. When a similar question was brought before the House by the late John Sadleir, in 1850, Sir John Jervis, who was then Attorney-General, protested against such a question being entertained unless there was a charge of corruption or of oppression against a public officer. He had, he said, assisted at the trial of many political offenders, and had often given instructions to strike the names of gentlemen off the list of jurors. In answer to the question he read a long statement prepared by the Crown-Solicitor for the Northern Circuit, in which he quoted the opinion of the late Daniel O'Connell, with reference to the conduct of Sir M. Barrington as crown prosecutor.

Mr. H. Herbert thought the Crown had done wrong in setting aside Mr. O'Connor, who was a magistrate of the county.

Monday, April 18.

The Reformatory Hulk "Akbar."

Mr. Briscoe asked the Secretary of State for the Home Department, whether he could give any information concerning the death of a boy named Joseph Marsden, which was reported to have been caused or accelerated by cruel usage at the Reformatory hulk "Akbar," at Birkenhead?

Mr. S. Estcourt said, that, at his request, Mr. Sydney Turner, the inspector of reformatories, had attended the investigation before the coroner, and had made inquiries into the case, and his report was, that the officers of the "Akbar" were fully exonerated from all blame in the matter, the boy's death resulting from natural causes, and nothing whatever of cruelty or ill-usage having been exercised towards him. The truth was, that the lad had been for some years a tramp, and in the habit of feigning fits, lameness, &c., and that he had acquired a singular power of simulating an almost total suspension of circulation, respiration, &c., and that on this occasion he carried on the deception too long, producing a collapse of system which no remedies could recover him from. The body of the boy exhibited no marks of violence after death, nor did a post mortem examination afford any trace of the cause of death, externally or internally.

The Case of Lieutenant-Colonel Dickson.

Mr. T. Duncombe asked the Secretary of State for War whether it was his intention to recommend her Majesty to reinstate Lieutenant-Colonel Dickson, late of the Tower Hamlets Militia, after the verdict obtained by that officer in the Court of Queen's Bench against the colonel of that regiment.

General Peel, who was very indistinctly heard, said, the grounds upon which he recommended the removal of Lieut.-Colonel Dickson were purely of a military character, arising out of circumstances connected with the affairs of the regiment for which Colonel Dickson as commanding officer was responsible. Colonel Dickson was not tried by court-martial, and had not, therefore, an opportunity of rebutting the charges made against him before such a tribunal, but he should think him fully entitled to any advantage he might derive from the verdict he had gained in the Queen's Bench. As far, however, as the evidence taken in the course of that trial related to the military aspect of the question, the opinions expressed by his Royal Highness the Commander-in-Chief, the Adjutant-General, and other military officers, only confirmed the view he (General Peel) had taken. He had not the slightest doubt that the jury had done their duty; he was quite certain he had done his duty: and he had no intention to recommend her Majesty to reinstate Lieut.-Colonel Dickson.

Tuesday, April 19.

The Dissolution.

The Chancellor of the Exchequer, in reply to Mr. T. Duncombe, stated that Parliament would be dissolved on Saturday, and the writs issued that evening.

PRIVATE BILLS IN THE HOUSE OF LORDS.

The following resolutions were agreed to by the House of Lords on Friday, the 8th inst.:—

That the promoters of every private Bill which has been introduced into this House in the present session of Parliament, and which shall have been read a third time and sent to the House of Commons, or which shall be pending in this House, shall have leave to introduce the same in the next session of Parliament, provided that notice of their intention to do so be lodged in the Private Bill Office not later than three o'clock on the day prior to the close of the present session; and that all fees due thereon up to that period be paid.

That an alphabetical list of all such Bills, with a statement of the stages at which they shall have arrived, shall be prepared in the Private Bill Office, and printed.

That such Bills must be deposited in the Parliament Office not later than three clear days after the next meeting of Parliament, with a declaration, signed by the agent, annexed thereto, stating that the Bill is the same in every respect as the Bill at the last stage of the proceedings thereon in this House in the present session; and where any sum of money has been deposited, as required by Standing Order No. 184, section 2, that such deposit has not been withdrawn, together with a certificate of that fact, from the proper officer of the court in which such money was deposited.

That the proceedings on such Bills shall be pro formâ only in regard to every stage through which the same shall have passed in the present session, and that no new fees be charged in regard to such stages.

That, as regards all Private Bills which shall have been brought from the House of Commons in the present session, such Bills shall be allowed to proceed to the same stage at which they shall have arrived in the present session, on the same conditions as those set forth in the preceding Orders in respect of Bills originating in this House; the declaration to be signed by the agent, stating that the Bill is in every respect the same as when brought to this House in this session.

That if any such Bill shall have been amended in this House in the present session the same amendments shall be inserted by the committee on the Bill.

That the Standing Orders by which the proceedings on Bills are regulated shall not apply to any private Bill which shall have originated in this House, or been brought up from the House of Commons in the present session, in regard to any of the stages through which the same shall have passed.

That all petitions presented in this session relating to any private Bill shall, if necessary, be referred to the committee on the Bill in the next session.

That no petitioners shall be heard before the committee on any Bill unless their petition shall have been presented within the time limited in the present session, unless that time shall not have expired before it closes, in which case, in order to be heard, their petition must be presented not later than the second day on which the House shall sit after the Bill has been read a second time in the next session.

Communications, Correspondence, and Extracts.

LEGAL HONOURS.

To the Editor of The Solicitors' Journal & Weekly Reporter.

Sir,—I have read with much interest the letters appearing in several of your later numbers on this subject; and in the remarks of your correspondent, whose letter is in last Saturday's "Journal," I most heartily concur. It has always appeared to me, and since I passed my examination a few terms ago, when I had the honour of being informed that my answers to the examination questions were "highly satisfactory," my experience has proved, that that distinction lasts only till the term following the one in which the candidate for legal honours is examined, when his place is supplied by another (undoubtedly equally worthy), who in his turn must give way to the candidate gaining the like distinction in the succeeding term; and thus the honour and the honoured in a very short time are alike forgotten. A student who has earned the reward of an epistle, bearing the autograph of the examiners' secretary, after five years' unwearied application to his studies, is ultimately restored to the same level as the student who commenced studying about a month before the examination-day. One has read carefully theoretical works bearing on the branches in which he has been examined, and has worked himself well up in the books of practice; the other has pored for three weeks over "Halliley's Answers," or "Wharton's Questions;" both receive a letter that they have passed their examination successfully, and in a week after the examination-day the first one, the hard-working student, receives a letter, informing him that his answers to the examination questions "entitle him to commendation," or were "highly satisfactory," which is very gratifying until he is restored to the same position as the attorney of three weeks' study. It is in this way the distinction is neutralised; and it is within the experience of the writer that a gentleman, who seldom, if ever, opened a law book, and whose attendance at his principal's office was not only irregular, but extremely rare, during his service under articles, successfully passed his examination after three weeks' hard study of Halliley and Wharton. This could not have been the case had there been a more severe examination, nor is it probable that it would happen if the student prone to indolence had a permanent distinction to gain, worthy of his greatest exertions; while at the same time, what could be more satisfac-

tory to the hard-working student than a distinction which would follow him through life?

If some plan could be carried out to make "Legal Honours" more permanent—say, the one suggested in your "Journal" of the 16th inst., it would undoubtedly operate much more effectually to rouse the careless and to encourage the industrious candidates for legal examination.

It would afford the writer great gratification to co-operate in any scheme likely to produce this desirable result, and therefore he complies with the request contained in the advertisement in Saturday's "Journal."—I am, Sir, yours respectfully,

Σ.

To the Editor of The Solicitors' Journal & Weekly Reporter.

Sir,—"One who gained honours" states that, "in colleges and public scholastic institutions, those who gain honours are authorised to affix initials to their names." Is this so? Is any gentleman ever seen to write certain initials after his name, denoting that he was a first classman or a senior wrangler, and is it ever known, except by general repute, that a person took honours at college? Surely the same notoriety is acquired by persons gaining legal honours, without their being so very anxious to parade the fact on every possible occasion, by writing a number of initial letters after their names. I am quite sure such a proceeding would only draw down laughter and contempt upon those who did it.

One thing might be done, and would, I think, be most proper and right, namely, for every gentleman who has taken honours to have them mentioned after his name in the *Law List*, and of course there could be no objection, should he ever write a book, to his informing the public upon the title page of his honours.—I am, Sir, your obedient servant,

London, April 16. A Solicitor and University Man.

[We have elsewhere stated our opinion that the advocates for a proper recognition of legal honours, in whose aim we entirely sympathise, would do well to exert themselves for the establishment of a legal university. Pending the success of such an effort, we think that a list of those who have obtained honours in any legal examination, not only during the past year, but in all preceding years, should be published annually in the *Law List*.—Ed. S. J.]

LOCAL EQUITY JURISDICTION.

(By John Snare, Barrister.)

(Read at the annual meeting of the National Association for the Promotion of Social Science, held at Liverpool, in October last.)

I propose to occupy the attention of this department for a very short time with a few remarks on the importance of localizing the administration of justice in respect of equitable rights; in other words, to consider whether it is desirable and practicable so to constitute local tribunals as that they may be fitted to determine those questions between litigants, and to afford those administrative benefits for which the Queen's subjects ordinarily now resort to the High Court of Chancery.

In no part of the country could the establishment of a local equitable jurisdiction be so properly raised as in the County Palatine of Lancaster, in which, by virtue of ancient charters, a local Court of Chancery has always existed, and which has within a few years grown into considerable importance—a local jurisdiction, co-extensive in its powers within the County Palatine with the High Court of Chancery, and in which a great number of causes have been decided and promptly disposed of, to the entire satisfaction of the suitors.

This jurisdiction extends over persons and property, when either is within the limits of the County Palatine; it is said to be exclusive when as well the subject-matter as the parties in litigation are within the limits, and old authorities are cited for this proposition; but it does not appear to be so now universally in practice. In other cases the jurisdiction is concurrent with that of the Courts of Westminster. See 13 & 14 Vict. c. 43; 17 & 18 Vict. c. 82. Other statutory authority: 16 & 17 Vict. c. 137, ss. 29, 35, & 37; 11 Geo. 4 & 1 Will. 4, c. 36; 2 Will. 4, c. 38.

The judicial authority of the Palatine Court of Chancery was but little resorted to, and the office of Vice-Chancellor was for many years little better than an honourable sinecure; but the Vice-Chancellors, Sir William Page Wood and Sir Richard Bethell, successively felt the importance of bringing home to the manufacturers of Lancashire and the merchants of Liverpool the advantages of having their equitable rights and remedies judically determined, as it were, at their own doors; and the first act of modern time, regulating the practice of the Court, was passed in 1850. In consequence of this act by such men, the business of the Palatine Court of Chancery became more important.

The present Vice-Chancellor James, emulating his predecessors, increased the number of equity sittings, so that the Court sits four times at Manchester, and as many times at Liverpool, in each year. The ordinary work of the Court is carried on by three registrars, one of whom is always to be found at each of these places and at Preston, who is daily engaged in disposing of the greatly increased and increasing chamber business of the Court. These officers perform the same duties as the registrar and judge's chief clerk in the High Court of Chancery. The number of suits and petitions disposed of in the last year by this Court was considerable, being an increase on the business in years, before the Palatinate Chancery Acts passed, exceeding eight-fold, dealing with cases in which property to a large amount was involved. From these decrees and orders the right of appeal is now to the Chancellor of the Duchy and the Lords Justices of England, or any two of them, by which in practice the appeal is to the Lords Justices alone; but although there have been some appeals, I believe that no decree or order of the Vice-Chancellor of the Palatine Court of Lancaster has been reversed by their Lordships.

Here, then, we are in a county in which the energies of a succession of three able judges have built up an equity jurisdiction as efficient as that of the superior courts at Westminster, and which has worked itself into public support by force of its own merits, notwithstanding the prestige of the superior courts at Westminster, over which it has in practice no other advantages than that it is a *local* court where equity is satisfactorily administered, whilst it is subject to the prejudice with which among the many every apparent novelty is regarded.

We start, then, on the present inquiry with the fact that it is not only practicable to have local equity courts, but that one at least is now in a most efficient and satisfactorily working condition I need scarcely add that the costs to the suitor of redress in this Court are in effect much less than in the courts in Westminster Hall.

This brings us shortly to consider the rise and progress and results of the County Courts Acts, as a preliminary to the more precise consideration of whether similar legislation in respect of localizing equitable jurisdictions would probably be attended by similar results.

Vague speculations in favour of local jurisdictions to a limited extent were obtaining attention before 1830. In various populous districts the want of a local court was so much felt, that each successive session passed special Local Courts Acts, with the imperfections incident to isolated efforts to meet special evils. It remained for Lord Brougham to bring the whole subject before the public; and after the speech of that great statesman in the House of Commons, on the 29th of April, 1830, the question assumed at once a national importance. But this beneficial measure, like all others of great importance, was not obtained per saltum; it had to be fought for year after year, and session after session, until, after discussions extending over fifteen years, the local courts were matured and established in 1845, limited in jurisdiction to £20, which in 1850 was extended to £50. From the county courts return of the 19th of July, 1858 (Sessional Paper, No. 445), it appears that the amount of money for which plaints were entered in 1857 was £1,937,745; judgments obtained, £978,592; paid into court under judgment, £776,711.

It may be safely affirmed that in nearly half of the cases at least the debts that have been recovered would have remained unpaid, whilst in the cases in which the law would have been put in force, the poor debtor would, under the old system, have been mulcted in heavy and ruinous costs; whilst it is to be observed that hitherto at least the ready remedy of these cheap courts has had no effect in increasing the litigious disposition of the people.

On the whole, it may be safely affirmed that within a period of about eleven years the county courts have taken such root as to form one of the institutions of the country, which no man would have the hardihood to attempt to destroy, while the enlargement, rather than the curtailment, of their jurisdiction may be contemplated.

Are then the subjects for judicial investigation in equity and at common law so dissimilar, that a system which has been eminently successful in facilitating the administration of justice in one class of cases is unsuitable for the other set of questions?

We shall best appreciate this question by considering the peculiar objects of jurisdiction in equity, as distinguished from the ordinary remedies at common law.

It is the special object of the common law to protect personal liberty, and to give remedies or redress for injuries to property, and to defend it against ouster, trespass, nuisance, waste, destruction, or disturbance. The common law, by its practice, ordinarily compels the parties in litigation to reduce their disputes to simple questions of fact, or law, as between a single plaintiff or class constituting plaintiffs, all in the same interest, and a single person or class constituting defendants, all in the same interest, leaving the questions, or series of questions, of fact to a jury, and the question, or series of questions, of law to the judge; and it must be admitted that the simplicity of the common law has proved its ability readily to adapt its questions to tribunals less artificial than those of the high courts of common law in Westminster Hall.

The powers and duties of a court of equity are, however, more complex, and the questions raised are also between more than two parties—sometimes very many parties—each seeking a remedy or right different from that of the other parties in the same suit.

Sir James Mackintosh has said of equity, that "it is a jurisdiction so irregularly formed, and often so little dependent on general principles, that it can hardly be defined, or made intelligible, otherwise than by a minute enumeration of the matters cognisable by it."* Not admitting the premises, the conclusion of this eminent author, judge, and jurist, must be accepted, I shrink from adding to the numerous definitions of equity jurisprudence, and I must refer to Lord Redesdale's admirable work on equity pleading, first published in the year 1780, anonymously, and which is still the only work of authority, by an English author, on the subject of which it treats. Time does not allow me to quote at length the language of Lord Redesdale,† or of the great ornament of the American bench, Mr. Justice Story,‡ but I assume that no person will venture to form an opinion on equity jurisdiction who is not familiar with the outline of equity jurisprudence, as expounded by one of these eminent judges.

Limited as is this paper, it is important shortly to enumerate the principal subjects in which an equity court gives relief. It remedies the results of accident and mistake—it relieves from actual and positive fraud, or from such inequitable bargains as are classed under the term constructive frauds—it settles and adjusts the rights of persons beneficially entitled under trusts, and it exercises a salutary control over trustees of all kinds—it protects clients from their legal advisers, and children and wards from undue influence—it determines the rights of mortgagers and mortgagees, and the priorities between several incumbrancers—it determines the rights as between sureties and principal debtors and their creditors—it ascertains and enforces a just contribution between debtors—it protects against waste—it settles questions relating to confusion of boundaries, rights to dower, partition, and rents—and it administers the estates of deceased persons, doing justice between their creditors, legatees, devisees, and real and personal representatives—and in all these matters it takes and adjusts, and works out all the accounts between all parties, and distributes the funds or liabilities in litigation, as the case may be, between or among two to two hundred and more claimants, each having or being subject to the most varied rights or liabilities.

In aid of all these rights, and to protect property during litigation in the common law, or other courts, it extends its extraordinary jurisdiction by injunction, and by another extraordinary exercise of power it decrees and enforces the specific performance of contracts, as between vendors and purchasers of estates and other property.

Indeed, it may be said generally, that there is not a wrong relating to property, from which a court of equity, either in exercise of its own inherent jurisdiction, or in aid of the jurisdiction of other courts, has not a remedy.

Now, whoever compares the questions which arise in county courts with those above enumerated must admit that high as should be the mental qualification for the due discharge of the duties of a county court judge, a very large amount of acquired learning, both in principle and practice, as distinguished from general talent and scholarly attainment, is necessary in a judge in equity in the first instance, so as to enable him to decide rightly either without any bar or with the aid of an incompetent advocacy. This consideration leads to the conclusion that, so long as the practice in law and equity remains distinct, and until the whole bar shall be educated to practise in both departments, the propriety of which is a moot question, on which it would be irrelevant here to enter, it will be unwise to entrust any important equitable jurisdiction to the judges, who have by study and practice specially fitted themselves to preside with advantage to the country and honour to themselves in the county courts.

We know that custom has so long prevailed in separating the spheres of study of common law and equity lawyers, that even where incidentally a question of equity comes before a gentleman of the common law bar he usually gives his opinion on the legal points, and declines to give any opinion on the equitable question, referring it to an equity barrister, and that the latter in the same way hands over questions of common law to the practitioners on that side of Westminster Hall. Now, if in London, with all its appliances, the most learned members of the bar thus shrink from giving opinions on matters to which they have not devoted their special attention, will the responsibilities of office, will the necessity to decide in remote districts questions as nice as can arise before the Lord Chancellor, will the absence of all learned aid, enable a common law barrister, when elevated to a judgeship, to pronounce such decisions as will satisfy the public mind?

But the eminent persons who, from practising in one department all their lives, have, on the instant, crossed to the other side of Westminster Hall, will be cited as practically and entirely proving the contrary of the propositions just advanced. I admit that a Gifford, a Lyndhurst, a Brougham, a Cranworth, a Truro, and a Chelmsford, may possibly with advantage step over the barriers which separate the courts of law and equity. These are the powerful intellects from whose eccentric movements the ordinary courses of ordinary men are not to be estimated. On the other hand, could not each one of us, if it were not invidious to do so, on the instant enumerate a list of eminent lawyers, who, great in their own department, would have been "in endless mazes lost," if they had had to wander out of the beaten track, the via trita of their lives?

It must be remembered that, although among the judges of the county courts there are men whose attainments would have done honour to the bench, yet that ordinarily these judgships are not the prizes to which the highest aspirants for office among lawyers usually look, and that the less elevated the rank in the profession from which judges are selected, the less likely is it that they will be found competent to grasp not only the subjects of their previous study and practice, but subjects so vast, so intricate, and in many respects so perplexing, as daily exhaust the attention of the most eminent of our equity lawyers.

I assume, on the whole, that it must be conceded that, in order that the administration of equitable justice locally may be efficient, the judges must be men who thoroughly understand its principles and practice.

It remains to be remarked, that the judicial work of the county court judge ordinarily begins and ends with the trial.

Not so with a case in equity. At the hearing, questions of law, or fact, or both, are sometimes decided; at other times, they are merely indicated, and are left to be worked out at chambers, and a decree or order is pronounced, or rather is sketched out. Now, the union of learning, and acuteness, and labour, that must be brought to bear to fill up this sketch, and which elaborates the written decree or order, can be appreciated only by those who are familiar with the actual practice of the registrar's office, where all these decrees are drawn up with careful accuracy.* Then, again, inquiries are to be made; intricate, inaccurate, and defective accounts are to be unravelled; the affairs of a family or of a partnership are to be settled in a manner that raises innumerable questions, each sometimes equal in difficulty to any that can form the sole question in a cause in a county court, or at law, in Westminster Hall. All this machinery elaborates at last a certificate of results, which in time forms the foundation for reconsideration; or if the cause shall have escaped that ordeal, then for final adjudication, in the presence, as very frequently happens, of numerous parties, each having an interest conflicting with that of every other party, or between the creditors, relatives, and legatees of some clever testator, who has created every possible difficulty by his self-satisfying autograph will, or of some intestate who has little else to bequeath to posterity but the arrangement of his embarrassed affairs.

A court which has to give to any locality the benefits of equitable justice must, to meet all the objects above indicated, be not only presided over by a judge learned on all these subjects, but have able officers representing the registrars, competent to reduce the decrees into proper written form, and also

* "Life of Sir T. More," i. p. 457.
† Mitford, "Equity Pleading," p. 111, Jeremy's edition.
‡ Story, "Equity Jurisprudence," sects. 30, 31.

* The variety and intricacies of decrees in Chancery can be best in some degree understood from "Seton on Decrees in Chancery."

supplying the place of the chief clerks, under the judge's direction, to pursue the inquiries and adjust the accounts, and settle the priorities and rights of the parties.

These considerations lead up to the conclusion that any alteration which localises equitable trials without all these provisions, may possibly increase litigation, but that it will be without the result of an adequate administration of justice.

To supply the machinery of competent judges and officers, necessary to insure any prospect of success to local equitable jurisdiction throughout England, would require an expenditure for which the public is not as yet prepared. Discussions in Parliament would, doubtless, do much towards a due appreciation of the question. But this effect is usually of slow growth. It seems therefore desirable that an attempt should at once be made, if possible, to set up some one court within some one district, to demonstrate what such courts should be and what they can accomplish. This might be done if the consent of the judge and the suitors were obtained, and by a very short Act of Parliament constituting the Chancery Court of the Duchy of Lancaster to be such a court, with exclusive jurisdiction over all cases in which the subject-matter chiefly lies within the locality, and to an extent in amount or value, to be settled after due consideration, and giving to the vice-chancellor of the court in this county as its judge the most ample authority, and, indeed, direction to simplify the practice and pleading by such orders as should, in his judgment, tend to render the proceedings as simple and inexpensive as possible.

Among the advantages of this plan would be the following:—

1. That it would at once relieve the High Court of Chancery from a portion of its labours, which has been proposed to be done by the appointment of a fourth vice-chancellor, and thus render the plan unnecessary.

2. That the machinery is already complete and in operation.

3. That the expense of the experiment thus limited to one locality would, under any circumstances, and with whatever result, be small.

4. That the judge and officers being the only persons conversant with a local practice, as already localised, they are at once best able to appreciate the difficulties and wants of a local equity court, and to improve the working of the system, if powers sufficiently large for the purpose were entrusted to them. It does not become me to do more than allude to those personal qualities and attainments which eminently fit the judge of the courts, now held within this hall, to superintend the formation of a code of practice and procedure fitted for local courts generally, and to work out the proposed experiment.

5. The court, when the plan shall have worked itself into a regular shape, would form a system which might be gradually and safely extended.

6. The plan would avoid the enormous loss incident to the miscarriage of any general scheme.

7. But the working of this proposal would be no impediment to any ventilation, by discussion, of the general subject in Parliament or elsewhere.

8. The time which would elapse before this plan would be so far matured as to be introduced throughout England, would afford an opportunity for the consideration of the question whether, and to what extent the various provisions already made for disposing of matters of local jurisdiction may not be improved.

It appears to me that much may be done by re-arranging the duties of the various judicial and quasi-judicial officers throughout the country, to provide, at a comparatively small cost to the country, the additional judicial and administrative strength necessary to introduce a local equitable jurisdiction throughout England.

In addition to the sixty county court judges, we have about one hundred recorders of cities and towns, and a number of revising barristers. Now all the duties of recorders and revising barristers might well be performed by the county court judges, thus ultimately producing a great saving in these salaries. Again, we have a number of commissioners, and registrars in bankruptcy, and commissioners in insolvency, and commissioners and inspectors of charities. Now, the questions which most frequently come before these judicial persons are merely equitable, and surely such arrangements could be so made as that bankruptcy, insolvency, and public charities should be committed to the same judicial officers as the lawyers to whom the local administration of equity shall be entrusted.

This arrangement of judicial duties would go far to supply the necessarily increased judicial force which the establishment of local equitable courts would require.

There are other judicial or quasi-judicial functions, including those performed under the Court of Probate, now separately provided for, which might well be merged in the local court jurisdiction in law or equity.

But further, it is not improbable that some system of registration of titles will ere long pass into a law, over which it will be proper that gentlemen well versed in real property law should preside, whose presence will be always required, but whose learning and active superintendence need but seldom to be resorted to.

Now the local equity judge will well perform all the duties of such an officer. Indeed, the Master of the Rolls, at this moment ex officio, has the patronage and is also the superintendent of the Chancery Enrolment Office, and he is consulted on all questions of difficulty by his officer the Clerk of Enrolments; and in reference to such enrolments he exercises a general superintendence and control, which a local equity judge could exercise in the same way as the Master of the Rolls now superintends the enrolments as they are made in Chancery.

The limits which are set to this paper do not enable me to illustrate the subject as fully as I could have wished to have done; and in submitting these few observations for consideration, I must omit several other suggestions which might usefully have been made in their support.

The conclusions to which this paper point are shortly—That the successful operation of the county courts, and the fact of one equity court of local jurisdiction being in satisfactory operation, show the practicability of local equity courts in England; but that the peculiar difficulties of equity jurisprudence and practice render caution necessary in establishing such local courts. That there being one efficient equity court with local jurisdiction in existence, it would be the most prudent course at once to give to that court exclusive jurisdiction, to at least some sufficiently large though limited amount—a jurisdiction which it already has concurrently with the High Court of Chancery; and that it would be necessary to give to the judge all the powers which he may require to enable him to diminish the costs of procedure, and to expedite the decision of causes. That efforts should in the meantime be made so to arrange the existing judicial strength of the country in local affairs, as to render the appointment of a sufficient number of equity judges in due time not only desirable, but practicable, and no excessive burden to the country.

The course here suggested may be thought by some persons too full of delay to be adopted. Many will say, "Mora omnis ingrata est," and stop there. Lord Bacon, however, adopting this complaint, turned it into one of his aphorisms, and he said, "Mora omnis ingrata, sed facit sapientiam;" and this general, if not universal proposition is especially applicable to legal changes, as to which it behoves us to ascertain that they are not merely a reform, but an improvement.

The association will not forget that its labours are directed to no party or ephemeral purpose; that the reforms they propose are intended for posterity; and if it be true that he who is about to set out on his voyage of life can afford to wait a tide or two, surely this association, seeking reforms for a long future, can afford, in order effectually to perfect its measures, to prove by safe steps their efficiency, thus insuring their final success; keeping its plans before the public and biding their time, so that a wiser and better measure may be the result of the delay.

LOCAL JURISDICTION IN BANKRUPTCY.

(From the *Mercantile Test.*)

What the mercantile public want and earnestly desire is cheap local justice in bankruptcy. What it hates and rails against is distant, expensive, and tardy administration.

The Government Bill proposes to give jurisdiction in bankruptcy to the county courts only where the assets do not exceed £300.

This is but trifling with the question of local jurisdiction. The amount involved is no criterion of the judicial ability required to settle any question. There is not one law for a small amount, and another for a large. The same rule of law is applicable to both. In practice there are quite as many difficult points of law arise in small claims as in large ones; and the same judicial character of mind is as essential in the one as the other. Far better withhold bankruptcy jurisdiction from the county courts altogether, than embarrass them with this impracticable restriction.

The mercantile public out of London is unanimous in its demand to have unlimited jurisdiction given to the county courts.

There are seven courts of bankruptcy in the provinces of England, besides the Bankruptcy Court in London. Those courts are at great distances from each other. It is a great hardship for a trader living, for instance, in the western part of Cornwall to be obliged to go to Exeter to attend to his interest in the Court of Bankruptcy, which could be quite as well settled by the county court judge in his own town. The same grievance is felt in many other mercantile districts. Hence there is no complaint more universal amongst traders in the provinces of England, than the distance of the present courts from their places of residence and business.

Considering how much has now come within the jurisdiction of the English county courts; how much, every day, their business carries them into matters of great difficulty in point of law, which they discharge to the entire satisfaction of the public; and considering the very great convenience which traders would have in resorting to a tribunal within an easy distance of their own residence, it seems to us that an irresistible case is made out for conferring unlimited jurisdiction in bankruptcy on the county courts.

This jurisdiction is wisely given to those courts by Lord John Russell's Bill. It is not proposed by his Lordship to abolish the jurisdiction of the present bankruptcy courts in the country. In some cases creditors may think that their cases will have a more satisfactory decision in those courts. But wherever the creditors are of opinion that they would best find their remedy in the county courts, it is proposed to allow them to do so.

This was the plan adopted in the recent Scotch Bankrupt Statute. That Act gave the creditors their choice, and the result is, that the county courts have been universally resorted to.

The truth is, that the real secret of the success during the last three years of the working of Scottish bankruptcy, has been the conferring of unlimited jurisdiction on the county courts. This was done so lately as 1856, by the Act of 19 & 20 Vict. c. 79, which, besides creating every county court a court of bankruptcy, abolished the distinction between bankruptcy and insolvency.

The history of this Act is rather encouraging, inasmuch as it shows what a few mercantile men, firm of purpose, may accomplish.

The Act originated in a Bill prepared by a committee of London merchants. It was introduced by Lord Brougham, but was not passed. In the following session, a Bill was brought in by Mr. James Moncrieff, the Lord-Advocate of the day, which was in a great degree the same measure; and in introducing the Bill, Mr. Moncrieff handsomely stated its real paternity.

This Act has remedied almost all the evils formerly complained of in Scotland. It is true, there are one or two still to remedy; but, on the whole, as regards cheapness, despatch, and efficiency in the adminstration of an insolvent's estate, that statute has unquestionably placed Scotland the foremost among commercial nations.

The Provinces.

Ipswich.—*New Magistracy.*—The Lord Chancellor has just added nine gentlemen to the commission of the peace for the borough of Ipswich. Six of the nine are Conservatives, and the remaining three Liberals.

Liverpool.—*Starving a Jury.*—At the Borough Sessions on Tuesday, a man, named Richard Hefferan, was charged with stealing a waistcoat and a pair of trousers. The jury were unable to agree, nine being for a conviction and three for an acquittal; and, after being locked up for seventeen hours, without fire and with no refreshment but water, were discharged without giving a verdict.

Social Science.—The first public meeting under the management of the local committee will, we observe, take place at St. George's-hall, on Wednesday next. This is the first attempt to give a local application to a movement which, however imposing in its general aspect, or however valuable as tending to elicit and make known sound principles of social reform, can obviously do little, if anything, towards carrying these principles into practice, apart from the exertions of those who have a personal interest and special influence in the improvement of particular localities. It is creditable to the social reformers of Liverpool that they at once perceive this, and not less to the credit of the association at large, that the suggestion of a local committee, when offered, was at once adopted and acted upon. The preliminary address of the committee, which has been in circulation for some days, evinces a thorough comprehension of the subject as it affects Liverpool, and offers some admirable hints for a continuous and profitable pursuit of the inquiries into the social condition of Liverpool, its defects, and their remedies, already so hopefully begun. We trust the result of the approaching meeting will be such as to promote the good work. —*Liverpool Albion.*

Manchester.—*Assize Courts.*—An adjourned session of the justices of the peace for the hundred of Salford was held on Saturday, at the New Bailey, for the purpose of deciding as to the adoption of the report presented by the Manchester assize courts committee; E. Ovens, Esq., chairman, presided. The report of the committee recommended three out of the 107 designs which had been sent in for competition as those best deserving of the premiums of £250, £150, and £100 respectively offered by the Court. Mr. E. Ashworth, as chairman of the committee, now moved that the report be adopted, and the recommendations contained therein be confirmed. He said the committee, in making their selection, had been mainly actuated by a desire to consult the convenience of the public and of the professional gentlemen who would use the courts, and he hoped and believed that the selection which they had made had met with the approval of the great majority of the magistrates who had examined the designs. The committee knew nothing as to the authors of any of the plans; they had examined them all with the greatest attention, without the least partisanship, and with the most earnest and honest desire to come to a fair decision. The motion was carried unanimously. Mr. Wood, in seconding the motion for authorising the committee to carry the design into execution, expressed his admiration of the internal arrangements provided for by the successful design, but thought the exterior of the building might possibly be made more marked and effective than it appeared on the plan. The architect had intimated in the description which he had appended to his plan, that he had strictly limited himself to a consideration of what might be done for the prescribed sum of £70,000; but that an additional £10,000 would enable him to make a much more effective building. Mr. Brandt wished it to be understood that the committee had adopted the successful design as a complete and entire work, and although they might probably suggest some slight modifications, they had no intention of attempting to make it more perfect by borrowing ideas from any of the other plans.—The motion was carried nem. con. The names of the authors of the three designs to which the premiums had been awarded were as follows;—First premium (£250), Alfred Waterhouse, Cross-street-chambers, Manchester; second premium (£150), Thomas Allom, 12, Buckingham-street, Strand, London; third premium (£100), John Robinson, 7, Whitehall-yard, London. A question as to the advisability of providing medals for the authors of the unsuccessful designs was negatived. It was agreed that the designs should be publicly exhibited.

Newcastle-on-Tyne.—*Testimonial to a Solicitor.*—Mr Ald. Ingledew, solicitor, after having acted as a guardian of the poor for the parish of St. Nicholas during the long period of twenty-one years, has retired from that office in consequence of advancing age. On Friday evening last, at the meeting of the board of guardians, Mr. Ingledew was presented with the following address, signed by all the guardians;—

To Henry Ingledew, Esq., Alderman, Chairman of the Board of Guardians of the Newcastle-upon-Tyne Union.

Sir,—As your colleagues in the administration of the Poor-law, we beg to record our sincere regret that you should feel it your duty to relinquish the chairmanship of our board—an office you have filled for the last twenty-one years with so much honour to yourself, and so much advantage to the whole union.

In this we are assured that we express not only the feelings of the parish of St. Nicholas, which has always elected you as a guardian, but that of the ratepayers and the poor of every parish in the district.

The administration of the large sums entrusted to our care in the relief of so many families is a work full of delicacy and difficulty; and the regularity and efficiency with which the business of this board has been conducted are largely owing to the ability, the local knowledge, the experience, the energy, and the urbanity which you have brought to the guidance of its deliberations.

During your presidency considerable improvements have taken place in the management of the workhouse, and in the education of the children. In these and other efforts for the elevation of the poor you have taken a lively interest.

It is not every public servant whose health or whose avocations would allow such unremitting attention to the relief of the poor as has distinguished your connection with this board. We, therefore, congratulate you that at the close of these arduous and disinterested labours you retire to the bosom of your family with undiminished strength and unabated vigour.

With the earnest hope that Divine Providence may long spare you to that circle of affection with which your private worth has surrounded you, and that that circle may long remain unbroken,

We have the honour to be, &c.

In the afternoon, the officers of the union met in the Poor-law offices, and presented Mr. Ingledew with a gold eye-glass and

gold chain. Mr. G. T. Gibson occupied the chair, and Mr. Wilson, as the senior officer, made the presentation. Mr. Ingledew, on both occasions, made an appropriate reply.

Lecture.—Mr. W. S. Gibson, Barrister-at-Law, and Registrar of the District Court of Bankruptcy, gave a lecture to a numerous audience last week at the Literary Institute, entitled, 'Sketches of Judges eminent in English History."

Mr. T. Chisholm Anstey.—This gentleman has sent a letter of thanks to the Mayor of Newcastle, as the chairman of the recent public meeting on the affairs at Hong Kong, for the interest taken in the matter by the inhabitants of the town.—*Newcastle Chronicle.*

WAKEFIELD.—*Threatening a Judge.*—At the Wakefield County Court, on Saturday, Mr. Barratt, seedsman and nurseryman, was summoned to show cause why he should not be committed for contempt of court. Some time ago an action had been brought against Mr. Barratt by the executors of a person named Robinson, to recover the amount incurred by the latter in making an orchard-house for Mr. Barratt. Mr. Barratt had sent the plaintiffs a bill for the amount, payable at three months. This the plaintiffs kept in their possession for several days, and then returned it to Mr. Barratt, refusing to accept it, and demanding cash. During the hearing of the case, Mr. Barratt alleged that one of the testator's sons, and an executor, had said he would take a bill. This was denied by the party in question, and the judge, in giving a verdict, said, that he believed the truth was on the side of the plaintiffs, and decided that the acceptance was worthless, as it had not been signed by the other party and put in circulation. This decision seems to have preyed on Mr. Barratt's mind, and, believing that the judge had imputed to him wilful and corrupt perjury, he had sent him two letters, which his Honour considered to be of a violent and threatening character, and intended to interfere with him in the discharge of his duties as a judge. In one of these, Mr. Barratt had threatened that he might get up a petition against his Honour, which he could get "signed by 100 members of Parliament."—Mr. Bond, solicitor, of Leeds, now appeared in court, and, on behalf of Mr. Barratt, apologised for the matter contained in the letters, observing that his client, being a respectable man, had felt aggrieved that his Honour should suppose that he had been guilty of wilful and corrupt perjury.—His Honour said, that the longer he remained a judge the more cautious he was of imputing perjury to any man; but in deciding on the various cases that came before him, he must conceive the truth to be somewhere. At the same time, when he used the expression that he thought the truth was on the other side, he did not mean to impute wilful and corrupt perjury to Mr. Barratt. His Honour then quoted the opinion of Lord Chancellor Cottenham, to the effect, that letters of the description sent by Mr. Barratt were contempt of court; but as the latter had apologised, he (the judge) should only fine him £5, to be given to the Wakefield Dispensary.—*Manchester Examiner.*

WARWICK.—*Borough Quarter Sessions.*—These sessions were held before the Recorder, Sir J. E. Wilmot, Bart., on Thursday, the 14th inst. In his charge to the grand jury, the learned Recorder took occasion to remark upon several events of the past session of Parliament, but chiefly upon those measures which had been advanced for the amendment of the law and the administration of justice. With regard to the Indictable Offences Bill, he was very much opposed to any alteration in the law relating to grand juries. The measure was not intended to extend further than the metropolis, but, nevertheless, he considered it an attempt to get in the thin end of the wedge in the provinces, and thereby do away with a most useful and necessary appendage to the administration of our criminal law. He was equally opposed to the proposition for taking the verdict of a majority in civil causes, as set forth in Lord Campbell's Bill, which, however, had fallen to the ground. He was also opposed to the Bill for taking the evidence of prisoners on oath. He thought it possible it might succeed in France, but it certainly would not here. He was of opinion, moreover, that jurymen ought to be allowed refreshments during the time they are locked up, and should be paid for loss of time in attending the court. The learned Recorder, in conclusion, deprecated the low scale of costs allowed to policemen and witnesses.

Scotland.

SEARCHES FOR INCUMBRANCES IN SCOTLAND.

The following extract from the *Scottish Law Journal* will, to a certain extent, as applicable to the Bills lately in Parliament, for the registration of landed estates, give our readers some idea of the manner in which this branch of the measure is worked in Scotland:—

The registers usually examined are the General Register of Sasines, in which it is competent to record deeds affecting lands in any part of the kingdom, and the Particular Registers of Sasines, in which it is only competent to record deeds affecting lands within the district to which the register is applicable. Besides these, it is also necessary to examine the General Register of Inhibitions, the Particular Register of Inhibitions for the district in which the lands are situated, and also the Register of Adjudications. There are thus five different records to be searched, for a period of forty years, in order to exhibit a complete search. The course usually followed is, for the agent to forward to the Searcher of Records in Edinburgh a memorandum for search, containing a copy of the description of the lands, and the names and designations of the parties against whom he wishes the search to be made. When the search has been completed at Edinburgh, it is necessary to have it continued in the Particular Registers of Sasines and Inhibitions, in order that it may be brought down to the date of the settlement of the transaction. The expense incurred from the necessity of examining so many records usually amounts to from £12 to £15, and while the burden is not much felt where the value of the lands is considerable, it is found to be heavy and grievous where the subjects are of small value—so much so, indeed, that in transactions concerning such subjects, searches are frequently dispensed with.

The suggestion which we would offer (and for which we cannot claim any originality) as a means of reducing the expense of a search, is the following:—Let there be only one Register for Sasines, and one Register for Inhibitions and Adjudications, and let these be kept at Edinburgh. To this course we do not think that there can be any objection. If adopted, there would be only two records to search in place of five, and necessarily less risk of omissions in the course of the search. While there appears to be serious difficulties in the way of reducing the period of the long prescription in reference to heritable rights, we think that the search in the Register of Inhibitions and Adjudications might be reduced to a period of ten or twelve years, without the least injury or risk to any one. A creditor delaying to carry out his diligence during such a period, should be held to have departed from it.

As omissions frequently occur from the similarity of description, and the consequent difficulty of distinguishing subjects, we would recommend one of two courses to be adopted, by either of which greater accuracy would be attained:—(1.) That the keeper of the Register of Sasines should keep a book, containing a copy of the description of the lands, with a distinctive number and letter; that after the lands have been once entered therein, the number and letter should be added to the docquet appended to the registered deed by the keeper, and that all subsequent deeds affecting the lands should contain the distinctive number and letter assigned to them, so that when presented for registration a short entry might be inserted in the book so kept, under the proper head, somewhat in the form of the present inventories of writs. If a method similar to this were adopted, a search in the Sasine Record would consist of a certified copy of the entries under the hand of the keeper. Or (2) the Registrar of Sasines might keep an inventory or abstract of titles applicable to each separate subject marked with a distinctive number or letter; and when a deed is to be recorded, a short abstract thereof might be added to it. The deed should, of course, bear the number and letter, so that the Registrar might at once lay his hands on the inventory or abstract referring to the lands contained in the deed. When a search was required in the Sasine Record, a certified copy of the inventory or abstract would serve the purpose. Of course, it would take a number of years before the public could obtain the full benefit of either of the two courses proposed; but in a large number of cases where searches have already been brought down to a recent date, or in the case of new feus, the advantages would be at once felt—a search would be almost certain to be accurate, and in place of having to pay from £12 to £15, a complete search might be obtained at an expense of from £2 to £3.

Charles Baillie, Esq., Lord Advocate, has been appointed one of the Lords in Session, in the room of the late Lord Murray

David Mure, Esq., her Majesty's Solicitor-General, has been appointed Lord Advocate, in the place of Charles Baillie, Esq. appointed a Lord of Session.

Ireland.

Retirement of Judge Plunket.—It is stated with confidence that Judge Plunket, of the Bankruptcy and Insolvency Court, is about to place his resignation in the hands of the Government. We regret to say that Judge Plunket's health is shattered; his physical weakness is the cause of his retirement from a position which he has filled with credit. The salary of the judges of the Bankrupt Court is £2,000 per annum.—*Evening Packet.*

Societies and Institutions.

LAW AMENDMENT SOCIETY.

A general meeting of this society took place on Monday last; William Hawes, Esq., in the chair.

The adjourned discussion on the report of the Bankruptcy Committee was resumed.

Mr. Lawrance moved that the ninth resolution—"That it is desirable that, in the administration of estates in bankruptcy, greater uniformity should prevail in the judgments of the commissioners, and that the present mode of appeal is unsatisfactory"—be adopted. As the next resolution in the report was intimately connected with the present, he would also move that the tenth resolution—"That there should be a chief judge in bankruptcy, who, sitting with two commissioners in London or the country, should form a Court for the decision of all questions of disputed adjudication, and, when required by the assignees, the opposing creditor, or the bankrupt, of disputed certificates or orders of discharge; and that such Court should be the Court of Appeal, from whose decisions there should be no further appeal, except in case of a difference of opinion among the members, or by leave of the Court"—be adopted.

Mr. Pulling seconded the motion. He thought the plan proposed would be likely to produce greater uniformity, and would be much more satisfactory to the mercantile community than the present arrangement.

Mr. H. F. Bristowe thought that the present mode of appeal was better than that proposed. It appeared to him that it would lead to a duplication of appeals—first to the new tribunal, and then to the present. He did not agree with the notion that commercial matters were not adjudicated on in a satisfactory manner in the present Court of Appeal.

Mr. S. Morley stated, that, as far as his experience went, there was a feeling throughout the commercial public, that the present mode of appeal was unsatisfactory. He thought that the proposed change would be acceptable to the mercantile community.

Mr. Linklater stated, that he could not complain of any miscarriage of justice in the Court of Appeal, but the expense was such as to amount to a denial of justice in many cases. The plan now under consideration would obviate this evil. The proposed tribunal would be able to dispose of most matters in a manner satisfactory to the parties.

Mr. Lawrance, in reply, wished it to be understood, that he had not intended to speak disrespectfully of the Court of the Lords Justices, but his observations applied to the mode of appeal—the letting in of new evidence. With reference to the status, salary, &c., of the proposed chief judge, the committee had carefully avoided entering into particulars on this, as on the other points referred to in the report.

Mr. Hastings was of opinion that, from the obscurity of the terms of the tenth resolution, it would be impossible for the society to come to a satisfactory determination with respect to it. The nature of the proposed tribunal and its jurisdiction were only hinted at, and it was impossible, without explanation, to make anything of the resolution.

The motion, that the ninth resolution be adopted, was then put and carried.

Mr. Smale objected to the tenth resolution for the same reason as Mr. Hastings. He would move, by way of amendment, that the consideration of the tenth resolution be deferred till next meeting. The question raised by it was of the highest importance, and he was not prepared to decide at once on such a subject.

Mr. Wingfield seconded the amendment.

Mr. Lawrance objected to the adjournment of the consideration of this resolution. The report had been in the hands of members for some weeks, and the resolution was perfectly intelligible and precise.

The Chairman considered that the adjournment would be of no use, as matters would be in the same condition at next meeting.

The amendment was put and carried.

Mr. Linklater moved that the eleventh resolution—"That proof of debts should be made either by a creditor at a public sitting, or by affidavit made elsewhere, and transmitted to the assignee to be exhibited at a public sitting"—be adopted. He considered it of the utmost importance, for the purpose of preventing fraud, that proofs should be made at a public sitting. At the same time he was not in favour of publishing the losses of creditors to all the world.

Mr. Lawrance seconded the motion. There was no part of bankruptcy procedure which required more to be watched than the proof of debts. He thought the expenses to which creditors were put in making proofs had been greatly exaggerated.

Mr. S. Morley said, that it would be a great boon to the trading community if a change were introduced in the system of proofs. The present formalities were quite unnecessary in the great majority of cases. To say whether a debt was owing by the bankrupt, ought to be an easy matter for the assignee; if a doubt arose, then strict proof might be required. For himself, he would most willingly be spared the necessity of going to the court to prove debts—a proceeding which led to a great waste of time. It was this, along with other objectionable things, which induced mercantile men to make arrangements out of court, instead of taking advantage of the means which the law afforded.

Mr. C. Wordsworth, Q.C., did not see the necessity of proving debts at a public sitting. False and fraudulent proofs were certainly the exceptions, and it did not appear to him necessary that debts, as to which there could be no doubt, should be proved at a public sitting. There was the bankrupt to check the proofs by his own knowledge; there was the official assignee, who was in possession of the books; and, if a proof were disputed, let it then be brought before the commissioner. Even if this did not save expense, it would save trouble and time.

Mr. Jackson thought the question was simply whether the proof of a debt was to be made without an oath. He thought there would be no security if an oath were dispensed with.

Mr. H. F. Bristowe was in favour of the mode of proving debts as proposed in Lord John Russell's Bill. A simple declaration would be all that was necessary. Making a false declaration would be punishable as a misdemeanour. All statements of account would be examined by the assignees, and the Court would expunge proofs of any debts which, after investigation, did not appear to be due.

Mr. Linklater was surprised that Mr. Morley should take the trouble of going to the court to prove debts, as he might do so more conveniently, and at small expense, by an affidavit. He thought the solemnity of an oath was necessary to guard against fraudulent proofs.

The motion was carried.

The further consideration of the report was adjourned to Monday, May 9th, at eight o'clock.

JURIDICAL SOCIETY.

The fortnightly meeting of the members of this society was held on Monday night at the rooms, St. Martin's-place, Trafalgar-square, Mr. Baron Bramwell in the chair. The paper for the evening was one prepared by Mr. Ludlow on "Land Registers, Share Registers, and Stock Registers." It was, in the absence of the author, read by Mr. Wm. Best. The scope of the paper was directed against the prevailing notion of the day, that there is not in the nature of things anything which ought to render the sale and transfer of land more difficult than the sale and transfer of stock, shares, or ships. This doctrine the paper denied, upon the ground that it went on the assumption that there was some similarity between the kinds of property transferred, whereas such was not the case. The man who sent his broker into the Stock Exchange to purchase for him any amount of stock or a certain number of shares, did not know from whom or from how many persons the quantity he required was obtained; and as they were all of the same value, A.'s not being better or worse than B.'s, the knowledge of the former holder was a matter of no importance. All land, however, was not of the same value, as a few square feet in London might be worth more than a hill side in Wales, and therefore when a man wished to make a purchase he had to identify the particular land he required, and that necessity for identification would in another shape perpetuate search, title and all the other preliminaries of a transfer of land in the present state of the law. An animated discussion followed the reading of the paper, for which the thanks of the meeting were voted to the learned author, and the proceedings terminated in the usual manner.

Admission of Attorneys.

Queen's Bench.

In and on the Last Day of Easter Term, 1859.

Clerk's Name and Residence.	*To whom Articled, Assigned, &c.*
Anstie, Frederick, Devizes	G. W. Anstie, Devizes.
Blake, Henry, 4, Serjeants'-inn, Temple	T. M. Keith, Norwich.
Calthrop, Joe George, 19, New Ormond-street; and London-street, City	H. Pye, Louth; J. G. Bonner, London-street.
Curling, Henry Onslow, Weirdale Villa, Earl's-street, Kensington; and Clifford's-inn	J. Weymouth, Clifford's-inn.
Dempster, Richard Frederick, Greenwich; Brighton, and Lewisham	A. W. Woods, Brighton.
Harcourt, Clarence, 1, Furnival's-inn	J. C. Selby, Coleman-street; W. Stopher, Cheapside.
Lamb, Henry Wortley, Kettering; and 12, Eccleston-place, Belgrave-road	G. W. Lamb, Kettering.
Mason, James, 61, Sydney-street, Brompton; and Henrietta-street, Cavendish-square	J. Simpson, Henrietta-street.
Notcutt, Stephen Abbott, jun., 32, Regent-square; and Ipswich	S. A. Notcutt, Ipswich.
Owen, Henry James, 10, St. Alban's-road, Kensington	H. Nethersole, New-inn, Strand.
Peters, Daniel John, 13, Rochester-road, Camden-town	H. Abbot, Bristol.
Philp, William Robert, Hays, Middlesex	W. Philp, Bucklersbury.

Last Day of Easter Term, 1859.

Armistead, Edwin, Leeds; and 15, Mildmay-park, Stoke Newington	W. Bruce, Leeds; E. Butler, Leeds.
Barker, John Edward, 10, Bolton-street, Piccadilly; and Aylesbury	R. Rose and J. Parrott, Aylesbury.
Buchanan, Robert Hamilton, jun., 21 Weymouth-street	W. S. Jones, Malmesbury.
Day, Wallace, M.A., 15, Clement's-inn, Strand; and 3, Serjeants'-inn, Temple	W. Jones, Serjeants'-inn, Temple.
Edwards, Thomas, 16, Vorley's Villas, Junction-road, Upper Holloway	A. R. Steele, 44, Bloomsbury-square.
Fenton, John Battye, 8, Ely-place, Holborn; Brooksby-street, Liverpool-road; and Bousfield-terrace, Highbury	T. T. Fenton, Gravesend; H. Edwards, Ely-place.
Fisher, Frederick, 12, Pakenham-street; Manchester-street, Gray's-inn-road; and Noel-st.	J. Smith, Birmingham.
Harris, Charles Rice, Tredegar, Monmouth; and South-place, Kennington-park	J. G. H. Owen, Pontypool.
Harrison, Arthur Armstrong Lock, 3, Great College-street, Westminster	J. Leech, Moorgate-street; J. S. Harrison, Taunton.
Harvey, Thomas Henry, Liverpool; and Birkenhead	C. Falcon, Liverpool.
Hawksford, Francis B.A., Wolverhampton; and Winchester-street, Pimlico	J. Hawksford, Wolverhampton.
Heard, George Gustavus Gilbert, 16, Devonshire-terrace, Hyde-park	J. J. Millard, Cannon-street West.
Hickes, John, East Grinstead; and Charlwood-street, Belgrave-road	J. Sims, Cheadle.
Jackson, George Frederick, 3, Hugh-street; and Cambridge-street, Belgrave-road	W. Marshall, Plymouth; W. Rennolls, Lincoln's-inn-fields.
Jones, John, 2, Francis-street, Torrington-square; and 47, King-square, Islington	R. Evans, Newcastle Emlyn.
Martin, George, Bradford, Wilts	J. Bush, Bradford, Wilts.
Neale, Thomas, Wotton Rivers, Wilts; and Holywell-street, Westminster	C. J. Barnes, Lambourne.
Nepean, Thomas Nanspean, Launceston; and 7, Compton-street East, Regent-square	R. Peter, Launceston.
Passman, Henry Consett, Stafford	C. P. Passman, Stafford.
Paine, Edward Chitty, 6, Frederick-place, Caledonian-road; and Bury St. Edmund's	J. Greene, Bury St. Edmunds.
Peverley, Benjamin, 86, Pentonville-road, Middlesex; and Stonefield-terrace, Cloudesley-sq.	H. Scarman, Coleman-street; F. Moon, Lothbury.
Phillips, John Wright, Beverley; and Bath	H. E. Silvester, Beverley.
Ridsdale, Francis Thomas, Leeds	T. E. Upton, Leeds.
Ridsdale, Francis James, jun., Clapham	F. J. Ridsdale, Gray's-inn.
Rowland, Frederick Browne, Roke; Coulsdon, near Croydon; and Ramsbury, Wilts	W. Rowland, Ramsbury; H. Richards, Croydon.
Shirley, Lewis Vincent, Barnet; and Essex-street, Strand	H. Jackson, Essex-street.
Sorrell, John Brockett, 29, Nicholas-street, Charrington's-park, Mile-end	J. E. Shearman, Great Tower-st.; J. Sorrell, Mark-lane.
Stone, Thomas, Tarlton, near Cirencester; and Percy-circus, Pentonville	R. Mullings, Cirencester.
Taylor, William, Walsall; Museum-street; and Rifle-terrace, Queen's-road, Bayswater	F. Darwall, Walsall.
Trotter, John, 42, Great Ormond-street, Queen-square; and Bishop Auckland	W. Trotter, Bishop Auckland.
Turner, William, Exeter	G. W. Turner, Exeter.
Vaughan, Walter Henry, Forest-hill	R. N. Forster, Crosby-square; L. Jacobs, Crosby-square.
Ward, Francis William, Merton; and Salisbury	J. P. Bickersteth, Salisbury; C. W. Squarey, Salisbury.
Wernan, Robert Aloysius, 129, Sloane-street	M. T. Gunn, Sloane-street, Chelsea.

TAKING OUT AND RENEWAL OF CERTIFICATES.

Easter Term, 1859.

Kitson, Edward Bellamy, Middle Chinnock, Somerset.

May 13th, 1859.

Barns, Joseph, New Malton.
Barton, George Henry, 2, Bloomfield-place, Pimlico.
Battle, William, Selby.
Crickmore, William, Yarmouth; and Starston, Norfolk.
Dawson, Richard Henry, Epworth; and Winchester-street, Pimlico.
Hill, Francis, 16, Owen's-row, Goswell-road.
Holben, Sanders, jun., Barton, Cambridge; and Bathurst-street, Hyde-park-gardens.
Hutchins, Edward, Bristol.
Kitson, Edward Bellamy, Middle Chinnock.
Mason, Frederick, 5, Bedford-place, Russell-square; and Gresham-st., City.
Quarles, William, 5, Church-place, Clapham.
Marrack, Richard, 7, Compton-street East, Regent's-square; Albert-street, Regent's-park; Regent's-place West, Regent-square.; and Bernard-street, Russell-square.
Read, David, Twickenham.
Rowcliffe, William, 33, Cumberland-terrace, Regent's-park.
Sedgwick, Edward, Marlborough.
Smallbone, Thomas, Coventry.
Thorpe, Roby Liddington, Nottingham; and Beeston.
Waddington, Walter Oakley, Aigburth Priory, near Liverpool; and Birmingham.
Ward, Reginald, 20, Albion-road, St. John's Wood.

READMISSIONS.—Last Day of Trinity Term, 1859.

Rae, Joseph John, 29, Stoke Newington-green.
Wheeler, James, Wandsworth.

Court Papers.

Court of Chancery.

GENERAL ORDERS ISSUED APRIL 4, 1859.

I.

These Orders are, as to all suits now depending, or hereafter to be commenced, to take effect on the day of the date hereof.

II.

In these Orders the following words have the several meanings hereby assigned to them over and above their several ordinary meanings, unless there be something in the subject or context repugnant to such construction; videlicet—

1. Words importing the singular number include the plural number, and words importing the plural number include the singular number.
2. Words importing the masculine gender include females.
3. The word person or party includes a body politic or corporate.
4. The word plaintiff includes informant.

III.

Any question of fact, or any question as to the amount of damages which shall in any suit or proceeding be directed by any order to be tried by a jury before the Court itself, or before the Court itself without a jury, shall be reduced into writing in the form set forth in the Schedule to these Orders, and the same shall be copied on parchment by the plaintiff or such party or person as the Court shall direct, or by the solicitor for such plaintiff, party, or person, and shall be called the "Record for Trial," and the same shall be filed with the Clerk of Records and Writs in whose division such suit or proceeding may be, within three days after such Order shall have been passed and entered, and within three days after such filing as aforesaid the same shall be entered for trial as hereinafter mentioned.

IV.

Where the Court shall order that such a question or questions should be tried by a special jury, a direction to that effect shall be contained in the order directing such trial.

V.

Upon production to the Registrar of a certificate of the Clerk of Records and Writs, that the "record for trial" has been filed, the same shall be entered for trial in the Cause Book of the judge to whose Court the suit or proceeding is attached, and shall be marked "trial by jury," or "trial before the Court without a jury," as the case may be, and either party may apply to the Court to fix a day for such trial.

VI.

Where such trial is to take place by a common jury before the Court itself, the plaintiff or such party or person as aforesaid, is, ten days at the least before the day fixed for such trial, to obtain, on motion or petition as of course, and serve on the sheriff, or if he is interested in the matter in question, then upon the coroner, an Order for such sheriff or coroner to

summon a common jury for such trial, which Order shall be in the form set forth in the Schedule to these Orders.

VII.

Where the Court shall have specially directed such question or questions to be tried by a special jury, the plaintiff, or other such party or person as aforesaid, shall, ten days at the least before the day fixed for such trial, obtain on a motion a petition as of course, and serve on the sheriff or coroner as aforesaid, and on the opposite party, an Order for a special jury, which Order shall be in the form set forth in the Schedule to these Orders, and the expense of such special jury shall in the first instance be borne and paid by the plaintiff or other such party or person as aforesaid, but shall afterwards be paid and borne as the Court shall direct.

VIII.

Where the Court shall not have specially directed such question or questions to be tried by a special jury, either party shall be at liberty, fourteen days at the least before the day fixed for such trial, to obtain on motion or petition of course, an Order for a special jury, and shall serve the same on the opposite party twelve days at the least, and on the sheriff or coroner, ten days at the least, before the day fixed for such trial, and the expense of such special jury shall in the first instance be borne by the party obtaining the same; but if the Court upon such trial shall be of opinion that it was proper that such trial should be had by a special jury, the Court may give such directions as to the costs thereof as it shall think fit.

IX.

Where an order shall have been made for a special jury, such sheriff or coroner shall, in addition to the special jurors, summon twelve common jurymen for such trial, in order that, in the event of a sufficient number of special jurors not being in attendance to make a jury, a tales may be ordered by the said Court or prayed for by either party, as hereinafter provided for.

X.

The Order for any such common or special jury as aforesaid shall be returned by such sheriff or coroner to the solicitor or party or person who shall have lodged the same, together with his return and the jury panel, and such Order and jury panel shall, two days at the least before the day of trial, be left with the Clerk of Records and Writs to be annexed to the Record for trial.

XI.

Where the trial shall have been specially directed by the Court to be by a special jury, then in the event of there not being a sufficient number of special jurymen in attendance to make such jury, it shall be in the discretion of the Court whether or not to have such jury made up from the common jurymen in attendance.

XII.

Where a special jury shall have been summoned at the instance of either party, without the special direction of the Court, then in the event of a sufficient number of special jurymen not being in attendance to make such jury, the same shall, unless the Court shall otherwise direct, be made up from the common jurymen in attendance, on the application of either party.

XIII.

Either party shall be at liberty to apply by summons to a judge at Chambers for a view by the jury summoned for any trial, and on the hearing of such summons each party shall name a shower for such view, and any Order to be made on such application shall be in the form set forth in the Schedule to these Orders.

XIV.

The summons for a view, and the Order to be made thereon, shall state the place at which the view is to be made, and the distance thereof from the office of the Under-Sheriff; and the sum to be deposited in the hands of the Under-Sheriff shall be £10 in case of a common jury, and £16 in case of a special jury, if such distance shall not exceed five miles, and £15 in case of a common jury, and £21 in case of a special jury, if it shall be above five miles; and if such sum shall be more than sufficient to pay the expenses of the view, the surplus shall forthwith be returned to the solicitor or party who obtained the view, and if such sum shall not be sufficient to pay such expenses the deficiency shall forthwith be paid by such solicitor or party to the Under-Sheriff, and the Under-Sheriff shall pay and account for the money so deposited according to the scale following; that is to say—

	£	s.	d.
For travelling expenses to the Under-Sherriff, showers, and jurymen, expenses actually paid if reasonable.			
Fee to the Under-Sheriff when the distance does not exceed five miles from his office	1	1	0
Where such distance exceeds five miles	2	2	0
And in case he shall be necessarily absent more than one day, then for each day after the first, a further fee of	1	1	0
Fee to each of the showers, the same as the Under-Sheriff, calculating the distance from their respective places of abode.			
Fee to common jurymen, each per diem	0	5	0
For each special juryman, per diem	1	1	0
Allowance for refreshment to the Under-Sheriff, showers, and jurymen, whether common or special, each per diem	0	5	0
To the bailiff, for summoning each juryman whose residence shall not be more than five miles distant from the office of the Under-Sheriff	0	2	6
And to each whose residence does exceed five miles of such distance	0	5	0

XV.

The mode and practice of proceeding to nominate and reduce a special jury, and the proceedings after any order for a view shall have been made as aforesaid, shall be the same in all respects as are now or for the time being shall be in force in the superior courts of common law, when a special jury is ordered to be struck or a view is to be had, or as near thereto as the practice of this Court will admit.

XVI.

The notice to admit documents may be according to the form set forth in the Schedule to these Orders.

XVII.

Where the Court shall award damages and direct a trial as to the amount of such damages before the Court itself, either with or without a jury or a writ of inquiry of damages as hereinafter provided for, or an inquiry as to the amount of damages, in any other manner, the defendant or other the party or person against whom damages shall have been awarded, may take out a summons before a Judge at Chambers for liberty to pay into Court a sum of money in respect of such damages, and in case such liberty shall be given and a sum of money shall be paid into court accordingly, then in the event of a larger sum for damages not being awarded, than the amount so paid into court, the plaintiff or party or person seeking such damages, shall pay the costs of such trial or writ of inquiry in inquiry in any such other manner as aforesaid, unless the Court shall otherwise direct.

XVIII.

On the day appointed for any trial, and previously to the commencement thereof, the record for trial with the return and jury panel (if any) annexed thereto, shall be transmitted by the Clerk of Records and Writs to the Registrar of the Court in attendance, and a copy thereof shall be left for the judge before whom such trial is appointed to be had, by the party or person at whose instance the same may have been entered for trial.

XIX.

The jurors shall be called by the Registrar of the Court, and the oath shall be administered to them by such Registrar, and shall be in the form set forth in the Schedule to these Orders, and the oath (or declaration as the case may be) shall also be administered by the Registrar of the Court to the witnesses, and shall be in the form set forth in the Schedule to these Orders.

XX.

Upon every such trial the addresses to the jury or to the Court, as the case may be, shall be regulated as follows:—The party who begins, or his counsel, shall be allowed, in the event of his opponent not announcing at the close of the case of the party who begins, his intention to adduce evidence, to address the jury a second time at the close of such case, for the purpose of summing up the evidence, and the party on the other side, or his counsel, shall be allowed to open the case, and also to sum up the evidence (if any), and the right to reply shall be the same as at present in force in the Superior Courts of Common Law on trials at Nisi Prius.

XXI.

Where the jury shall retire from the court to consider their verdict, they shall be taken charge of by the Usher of the Court; but previously thereto the Registrar of the Court shall administer to such Usher the oath according to the form set forth in the Schedule to these Orders.

XXII.

The verdict or finding of the jury, or of the Court, as the case may be, shall be indorsed by the Registrar of the Court on the Record for Trial, and shall be signed by him, and then returned to the Office of the Clerks of Records and Writs to be filed, and if the trial shall have been by a jury, then with the jury panel and the names of the jurors who were sworn indorsed thereon.

XXIII.

The notice of any application for a new trial, whether to the judge before whom such trial shall have been had, or to the Court of Appeal in Chancery, shall be given for the times following; that is to say—if such trial shall have been had in Hilary, Trinity, or Michaelmas Term, then not later than for the third seal after such terms respectively; and if such trial shall have been had in Easter Term, or during the sittings after Hilary, Trinity, or Michaelmas Term, then not later than for the third motion day in the term then next ensuing.

XXIV.

Where the Court shall award damages to any party or person, by virtue of the powers contained in the second section of the said Act, and shall order the amount of such damages to be assessed by a jury before any judge of one of the Superior Courts of Common Law at Nisi Prius, or at the assizes, or before the sheriff of any county or city, the party or person to whom such damages shall be awarded shall be at liberty to sue out at the Office of the Clerks of Records and Writs, a Writ of Inquiry of damages according to the form set forth in the Schedule to these Orders.

XXV.

The rules now in force in the Courts of Common Law relative to Notices of Inquiry shall be applicable to Notices of Inquiry under any Writ of Inquiry to be issued by virtue of the last preceding Order.

XXVI.

The return to the Writ of Inquiry of the verdict or inquisition, shall be in the form set forth in the Schedule to these Orders, and the Writ of Inquiry, with such return thereto, shall, within ten days after such return, be filed at the Office of the Clerks of Records and Writs.

XXVII.

Any application to set aside the verdict or inquisition or any such Writ of Inquiry, and to direct a new inquiry, shall be made within ten days after the filing thereof, exclusive of any days on which the Court to which such application ought to be made shall not be sitting.

XXVIII.

Either party shall be at liberty to sue out at the Record and Writ Clerks' Office, subpœnas ad testificandum, and subpœnas duces tecum, to compel the attendance of witnesses on any trial according to the forms now, or which for the time being shall be in use in this court, or as near thereto as the circumstances of each case will admit.

XXIX.

The forms of proceedings contained in the Schedule to these Orders may be used in the cases to which they are applicable, with such alterations as the circumstances of the case may render necessary; and any variance therefrom, not being a matter of substance, shall not affect their validity or regularity.

THE SCHEDULE ABOVE REFERRED TO.

1. *Form of Record for trial of a question or questions of fact.*

In Chancery.

Title of Cause or Matter.

By an Order made in this cause (*or*, matter), dated &c., the Court hath directed that the following question or questions of fact be tried by a jury before the Court itself, (*or*, before the Court itself without a jury) (that is to say):

Whether, &c.

If more questions than one, number them consecutively, 1, 2, 3, &c.

2. *Form of Record for trial as to amount of damages.*

In Chancery.

Title of Cause or Matter, &c.

Whereas, by an Order made in this cause (*or*, matter), dated &c., the

Court hath awarded damages to the plaintiff in respect of the matters in the said Order mentioned, and hath directed that the amount of such damages shall be assessed by a jury before the Court itself (*or*, before the Court itself without a jury).

The question is, what amount of damages the plaintiff hath sustained by reason of the matters in the said Order mentioned.

3. *Form of Order to summon a Common Jury.*

In Chancery.

Title of Cause or Matter.

Upon the humble petition of the —— (*or*, upon motion this day made, &c.) It is ordered that the Sheriff of Middlesex do summon a sufficient number of common jurors for the trial of a certain question of fact (*or*, as to the amount of damages sustained by the plaintiff, *as the case may be*) in this cause to be tried before the Right Honourable the Lord High Chancellor in his Court at Lincoln's-inn Hall, in the county of Middlesex (*or*, other the judge before whom, and the court in which, the trial is to take place), on the —— day of ——, 185 , at ten of the clock in the forenoon precisely. And it is ordered that the said Sheriff do attend with the said jurors accordingly.

4. *Form of Order for a Special Jury.*

Title of Cause or Matter.

Upon the humble petition, &c. It is ordered that at the expense of the plaintiff (*or*, defendant) in the first instance, forty-eight special jurors shall be nominated by ballot out of the special-jurors list for the county of ——, of persons qualified to serve on special juries for the said county, and be reduced before the Under-Sheriff of the said county, of whom twelve shall be struck out by each party, and the names of the remaining twenty-four shall be placed on a panel for the trial of a certain question of fact (*or*, as to the amount of damages sustained by the plaintiff, *as the case may be*) in this cause, and that the said Sheriff of the said county do cause the said twenty-four jurors to be summoned to attend at the said trial, on &c. (*as in preceding form*), and that the said Sheriff do also summon twelve common jurors to attend at the said trial, on the day and at the time and place aforesaid. And it is ordered that the said Sheriff and the said jurors do attend accordingly.

N.B.—If special jury, obtained on the application of either party without the special direction of the Court, leave out the words, "in the first instance."

5. *Form of Order for a View.*

In Chancery.

Title of Cause or Matter.

Upon application, &c. It is ordered that the Sheriff of —— shall cause the place in question to be shown to six or more of the jury (*or*, *if a special jury, say*, six or more of the first twelve jurors), summoned and impannelled to try the question (*or*, questions) between the said parties, or as many more of them as he shall think fit, to take a view of the place in question, on the —— day of —— next, at —— of the clock in the forenoon of the same day, which said jurors shall meet at the house of I. P., known by the name or sign of —— at —— in the county (*or*, city) of ——, who shall then and there be refreshed at the equal charge of the said parties, and that S. P. on the part of the plaintiff, and S. D. on the part of the defendant, shall show the place in question to those jurors; but that no evidence shall be then and there given to the said jurors, and the Sheriff of —— shall return the names of such of the said jurors as shall view the said place to the Registrar in the Court of Chancery, for the purpose of their being called as jurymen upon the trial of the said question (*or*, questions). And it is further ordered that the plaintiff (*or*, defendant) his attorney or agent shall deposit in the hands of the Under-Sheriff of the said county, the sum of £—— for payment of the expenses of the same view, pursuant to the Order of Court made on the —— day of —— and if such sum shall be more than sufficient to pay the expenses of the said view, the surplus shall be forthwith returned to the plaintiff's (*or*, defendant's) solicitor; and if such sum shall not be sufficient to pay such expenses, the deficiency shall be paid forthwith by the said plaintiff's (*or*, defendant's) solicitor to the said Under-Sheriff, the plaintiff (*or*, defendant) hereby consenting that in case no view shall be had, or if a view shall be had by any of the said jurors, whether they shall happen to be six or any particular number of the jurors who shall be so mutually consented to as aforesaid, yet the said trial shall proceed, and no objection shall be made on account thereof.

6. *Form of Notice to Inspect and Admit.*

In Chancery.

Title of Cause or Matter.

Take notice that the plaintiff (*or*, defendant) proposes to adduce in evidence on the trial in this cause the several documents hereunder specified, and that the same may be inspected by the { defendant / plaintiff } his solicitor or agent, at —— on —— between the hours of —— and the { defendant / plaintiff } is hereby required, within forty-eight hours from the last-mentioned hour, to admit that such of the said documents as are specified to be originals, were respectively written, signed, or executed as they purport respectively to have been, that such as are specified as copies are true copies, and such documents as are stated to have been served, sent, or delivered, were so served, sent, or delivered respectively, saving all just exceptions to the admissibility of all such documents as evidence on such trial. Dated &c.

To E. F., solicitor (*or*, agent) for { defendant / plaintiff }

G. H., solicitor (*or*, agent) for { plaintiff / defendant }

Here describe the documents, the manner of doing which may be as follows:—

ORIGINALS.

Description of the Documents.	Date.
Deed of Covenant between A. B. & C. D., 1st part, and E. F., of the 2nd part	1st January, 1848.
Indenture of Lease from A. B. to C. D.	1st February, 1848.
Indenture of Release between A. B. C. D., 1st part, &c.	2nd February, 1848.
Letter Defendant to Plaintiff	1st March, 1849.
Policy of Insurance on Goods	3rd December, 1848.
Bill of Exchange for £100 at 3 months, drawn by A. B. on and accepted by C. D., indorsed by E. F. and G. H.	1st May, 1849.

COPIES.

Description of Documents.	Dates.	Original or Duplicate served, sent, or delivered, when, how, and by whom.
Register of baptism of A. B. in the parish of X.	1st Jan., 1808.	
Letter from Plaintiff to Defendant	1st Feb., 1848.	Sent by General Post, 2nd Feb., 1848.
Notice to produce Papers	1st Mar., 1848.	Served 2nd Mar., 1848, on Defendant's Solicitor, by E. F., of
Letters Patent of King Chas. II. in the Rolls Chapel	1st Jan., 1680.	

7. *Form of Oath to be administered to the Jurors.*

You shall well and truly try the question (*or*, questions) between the parties, and a true verdict give according to the evidence. So help you God.

8. *Form of Oath to be administered to a Witness.*

The evidence you shall give to the Court and jury (*or*, the Court, *as the case may be*) touching the matters in question, shall be the truth, the whole truth, and nothing but the truth. So help you God.

9. *Form in case the Witness has conscientious objections to take an Oath.*

The witness is to repeat, after the Registrar, as follows, verbatim: I (A. B.), do solemnly, sincerely, and truly affirm and declare, that the taking of any oath is, according to my religious belief, unlawful. And I do also solemnly and truly affirm and declare that the evidence I shall give to the Court and jury (*or*, the Court, *as the case may be*), shall be the truth, the whole truth, and nothing but the truth.

10. *Form of Oath to be taken by the Usher of the Court, on Jury retiring to consider their Verdict.*

You shall well and truly keep this jury in some private and convenient place, without meat, drink, or fire (candle-light excepted). You shall not suffer any person to speak to them, neither shall you speak to them yourself, without leave of the Court, except to ask them if they are agreed on their verdict.

11. *Form of Writ of Inquiry before the Sheriff.*

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith,—To the Sheriff of —— greeting. Whereas, by an Order of his Honour the Master of the Rolls, made in this cause (*or*, matter), dated &c., his Honour awarded damages to be recovered by A. B. against the said C. D., in respect of &c. (*take words from the Order.*) But because it is unknown to Our said Court what damages the said A. B. hath sustained by means of the premises aforesaid, therefore we command you, that by the oath of twelve good and lawful men of your bailiwick (*if by a special jury, add here the words* "qualified to serve as special jurors, such jury to be struck and reduced according to law"), you diligently inquire what damages the said A. B. hath sustained by means of the premises aforesaid, and that you send to us, in Our Court of Chancery aforesaid, on —— the inquisition which you shall thereupon take under your seal, and the seals of those by whose oath you shall take that inquisition, together with this writ. Witness Ourself, at Westminster, the —— day of —— in the —— year of our reign.

12. *Form of Writ of Inquiry to a County Palatine.*

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith. To Our Chancellor of Our county palatine of Lancaster, or to his deputy there, greeting. Whereas (*as in preceding form*). But because it is unknown to Our said Court what damages the said A. B. hath sustained by means of the premises aforesaid. Therefore, we command you, that by Our writ, under the seal of Our said county palatine, to be duly made and directed to the Sheriff of the same county, you command the said Sheriff, that by the oath of twelve good and lawful men of his bailiwick (*if by a special jury, add the words as in preceding form*), he diligently inquire what damages the said A. B. hath sustained by means of the premises aforesaid, and that you send to Us in Our said Court of Chancery, on the —— day of —— the inquisition which the said Sheriff shall thereupon take under his seal, and the seals of those by whose oath he shall take that inquisition, together with this writ.

Witness Ourself at Westminster, the —— day of ——, in the —— year of Our reign.

13. *Form of Inquisition on Writ of Inquiry.*

{ To wit, }

An inquisition taken at the House of ——, called or known by the name or sign of the ——, in the —— in the said county of ——, on the —— day of ——, in the —— year of the reign of our Sovereign Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and in the year of our Lord 18 ——, before ——, Esq., Sheriff of the county aforesaid, by virtue of a writ of Our Sovereign Lady the Queen, to the said Sheriff directed, and to this inquisition annexed, to inquire of certain matters in the said writ specified by the oaths of —— twelve honest and lawful men of the said county, who upon their oaths say that —— in the said writ named, hath sustained damages to the sum of £ ——, by the means in the said writ mentioned.

In witness whereof, as well I the said Sheriff, as the jurors aforesaid, have hereunto set our hands and seals the day and year and place above mentioned.

14. *Form of Writ of Inquiry of Damages to be executed before the Justices of Assize.*

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith. To the Sheriff and to Our Justices assigned to take the Assizes in and for the county of ——, greeting. Whereas (*as in the foregoing forms*). But because it is unknown to Our said Court what damages the said A. B. hath sustained by means of the premises aforesaid. Therefore, according to the statute in such case made and provided, We command you, the said Sheriff, that you

summon twelve good and lawful men of your bailiwick (*if by a special jury, add here the words*, "qualified to serve on special juries, such jury to be struck and reduced according to law") to appear before Our said Justices of Assize, on the —— day of ——, at ——, in the said county, by ten of the clock in the forenoon of that day, to diligently inquire, and on their oath to assess the damages which the said A. B. hath sustained by means of the premises aforesaid, and that you, the said Sheriff, have on that day before the said Justices of Assize, this writ. We likewise command Our said Justices that they certify the inquisition before them taken, to Us in our Court of Chancery at Westminster, on the —— day of —— next, together with the names of those by whose oath such inquisition shall be taken, and that they also have then there this writ. Witness Ourself at Westminster, the —— day of —— in the —— year of Our reign.

Chelmsford, C.	Richd. T. Kindersley, V.C.
John Romilly, M.R.	John Stuart, V.C.
J. L. Knight Bruce, L.J.	W. P. Wood, V.C.
G. J. Turner, L.J.	

Births, Marriages, and Deaths.

BIRTHS.

BALL—On April 7, at Pershore, the wife of Edwin Ball, Esq., of a daughter.
JESSOPP—On April 16, at Litchurch, near Derby, Mrs. F. J. Jessopp, prematurely, of a son, which survived its birth only a few hours.
WAGHORN—On April 19, at 90 Sutherland-square, Walworth, Mrs. Charles James Waghorn, of a daughter.
WEBSTER—On April 17, the wife of Mr. John F. Webster, Solicitor, 7 Serjeants'-inn, of a son.

MARRIAGES.

BELL—STEPHENSON—On April 14, at the church of St. Dennis, Walmgate, York, Mr. Robert Bell, of Dumfries, to Louisa, youngest daughter of the late James Stephenson, Esq., Barrister-at-Law.
BUTTERFIELD — MAYSTON — On June 20, 1858, at the Independent chapel, Great Lonsdale-street West, Melbourne, Mr. T. Butterfield, late of Liverpool, to Annie, youngest daughter of the late William Mayston, Esq., Barrister, of London.
HAMBER—KNAPP—On April 16, at St. Saviour's, Chelsea, by the Rev. William Palin, M.A., Rector of Stifford, Essex, Thomas, eldest son of Thomas Hamber, of Stifford, Esq., to Frances Josephine Catherine, youngest daughter of the late Samuel Straight, Esq., and stepdaughter of Charles Knapp, of the Middle Temple, Barrister-at-Law.
HAYWARD—ANDERSON—On Feb. 26, at Baroda, Captain G. F. Hayward, H. M.'s 17th B. N. I., and fourth surviving son of the late William W. Hayward, Esq., Solicitor, Cambridge, to Helen Mary, daughter of Lieut.-Colonel W. Anderson, Political Agent of Serohee and Johdpoor.
SHERVINGTON—ATHILL—On April 9, at St. John's church, Stratford, Essex, by the Rev. Joseph Shervington, Tyrrell Mildmay Shervington, Esq., Advocate, to Eliza Amelia, second daughter of the late George Athill, Esq., of Bridge-place, near Canterbury, Kent.
SPRAGUE—STEAINS—On April 13, at St. Mary's church, Edge-hill, Liverpool, by the Rev. W. H. Harke, incumbent of Newhall, Derbyshire, brother-in-law of the bride, assisted by the Rev. F. M. Harke, incumbent of St. Mary's, Thomas Bond Sprague, Esq., Barrister-at-Law, to Margaret Vaughan, youngest daughter of James Steains, Esq., of Little Tower-street, London, and of Fairfield, Liverpool.
WEATHERBY—KELSALL—On April 14, at Fareham, by the Rev. William D. Harrison, Edward Weatherby, Esq., to Frances Anna, second daughter of Thomas F. Kelsall, Esq.

DEATHS.

BAILLIE—On April 15, at 53 Eccleston-square, Caroline Rachel Baillie, eldest daughter of the Lord Advocate for Scotland, M.P.
LAYTON—On April 16, suddenly, at 22 Park-place West, Barnsbury-park, William, the second son of Mr. John Layton, of Islington, and 8 Elyplace, Holborn, in his 21st year.
NEWMAN—On April 15, Mary, wife of Edward Newman, Esq., Solicitor, Barnsley, aged 57.
SANDERS—On April 13, Robert Bradfield Sanders, Solicitor, of Ormesquare, Bayswater, and Danes'-inn, Strand, in his 60th year.
PORTER—On April 16, at Dalkey, near Dublin, William Edward Porter, Esq., late Clerk of Recognizances to the High Court of Chancery in Ireland, in his 76th year.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

Gibson, Frederick, Esq., Turnham-green, William Oke Manning, Esq., Chelsea, and Thomas Davis, Esq., Warminster, Wilts, £43 : 1 : 1 Reduced.—Claimed by William Oke Manning, acting executor of William Oke Manning, deceased.
Holme, Rev. Frederick William, Meysey Hampton, Fairford, Gloucestershire, and John Tremenheere, Esq., Rosecarghill, Cornwall, One Dividend on £1,463 : 2 : 10 Reduced.—Claimed by Rev. Edward Henry Lee, one of the executors of said Rev. Frederick William Holme, deceased, who was the survivor.
Hutchinson, Frances Theodosia, a minor, and Lieut.-Col. William Nelson Hutchinson, both of the island of Bermuda, £59 : 0 : 4 Consols.—Claimed by William Nelson Hutchinson (now Major-General).
Steer, William, Gent., Limpsfield, deceased, and Thomas Steer, Farmer, Horne, Surrey, £175 New 3 per Cents.—Claimed by Thomas Steer, the survivor.
Sure, William, Gent., Union-street, Borough, Two Dividends on £700 Consols.—Claimed by William George Lile, and Morris Levinson, administrators de bonis non.
Taylor, Ann, Spinster, North Stanley, Yorkshire, deceased, £50 Reduced.—Claimed by William Taylor, the sole executor.
Williams, Thomas Bigge, Esq., Lieut. 4th Dragoon Guards, £4,230 : 7 : 10 Reduced.—Claimed by Thomas Bigge Williams.
Young, Robert, Gent., Essex-street, Strand, £5 per ann. Long Annuities. Claimed by Robert Young.

Heir at Law and Next of Kin.

Advertised for in the London Gazette.

Cross, William, Woollen Manufacturer, Smallbridge, Rochdale (who died in or about November last). Cross v. Cross, Registrar for the Manchester District of the Court of Chancery, 4 Norfolk-street, Manchester. May 16.

Estate Exchange Report.

(*For the week ending April 14th, 1859.*)

At the Mart.—By Messrs. Norton, Hoggart, & Trist.

Leasehold Residence, Mare-street, Hackney; held for 28 years from Lady-day, 1859; ground-rent of £50 per annum; estimated value £120 per annum.—Sold for £580.
Freehold Houses, Nos. 6 & 7, Black Horse-alley, Farringdon-street, estimated annual value, £50.—Sold for £500.

By Messrs. Baker & Morley.

Leasehold House, No. 53, Westbourne-park Villas, Bayswater; term, 91 years from June, 1845; ground-rent, £5 per annum; let at £45 per ann.—Sold for £480.
Leasehold Dwelling-house, No. 11, Middlesex-buildings, Langham-place, Regent-street; held for 60 years from April, 1856; ground-rent, £6 per annum; let at £38 per annum.—Sold for £310.

By Mr. Marsh.

Freehold Houses, Nos. 1 to 12, Spanick's-row, Weston-street, Southwark; let at £193 per annum.—Sold for £2,000.
The Absolute Reversionary Interest in £5,449 : 11 : 9 Three per Cent. Reduced Bank Annuities, receivable on the death of a Lady now aged 64.—Sold for £2,760.
A Policy for £2,000 in the United Kingdom Life Office on the life of a Gentleman now in the 76th year of his age.—Sold for £10.
A similar Policy for £2,000, same Office and Life.—Sold for £8.
A Gravesend and Wrotham Turnpike-road Bond for £100.—Sold for 32.
Thirty Fifty-pound Shares (£5 paid) in the Western Life Assurance and Annuity Society.—Sold for £150.
A Policy of Assurance for £250 in the Alliance British and Foreign Life Insurance Company, on the life of H.R.H. the Duke of Cambridge.—Sold for £26.
A Policy of Assurance for £1,000 in the Legal and General Life Office on the life of a Gentleman aged 62 years.—Sold for £300.

By Mr. George Gouldsmith.

Freehold Detached Residence, "Portland Lodge," Peckham-road, Peckham; estimated annual value, £100.—Sold for £1,420.

By Messrs. Daniel Smith, Son, & Oakley.

Freehold Ground-rent of £15 per annum, arising from No. 1, Kensington-park Gardens.—Sold for £450.
Freehold Ground-rent of £20 per annum, arising out of No. 2, ditto.—Sold for £600.
Freehold Ground-rent of £15 per annum, secured on No. 3, ditto.—Sold for £450.
Freehold Ground-rent of £15 per annum, secured on No. 4, ditto.—Sold for £450.
Freehold Ground-rent of £16 per annum, secured on No. 6, ditto.—Sold for £480.
Freehold Ground-rent of £20 per annum, secured on No. 9, ditto.—Sold for £600.
Freehold Ground-rent of £15 per annum, secured on Nos. 20 to 22, ditto. Sold for £480.
Freehold Ground-rent of £30 per annum, secured on Nos. 5, 6, & 7, Stanley-terrace.—Sold for £900.
Freehold Ground-rent of £50 per annum, secured on Nos. 9 to 18, ditto.—Sold for £1,500.
Freehold Ground-rent of £16 per annum, secured on No. 1, Ladbroke-square.—Sold for £480.
Freehold Ground-rent of £16 per annum, secured on Nos. 4 to 6, ditto.—Sold for £480 each.
Freehold Ground-rent of £14 per annum, secured on Nos. 7 & 8, ditto.—Sold for £440 each.
Freehold Ground-rent of £16 per annum, secured on No. 18, ditto.—Sold for £420.
Freehold Ground-rent of £16 per annum, secured on No. 19, ditto.—Sold for £500.
Freehold Ground-rent of £8 per annum, secured on Four sets of Coach-houses and Stables in the rear of Ladbroke-square.—Sold for £240.
Freehold Ground-rent of £10 : 10 : 0 per annum, secured on Nos. 3 to 9, Weller-street East.—Sold for £320.
Freehold Ground-rent of £9 per annum, secured on Nos. 1 to 6, Victoria-terrace.—Sold for £270.
Freehold Ground-rent of £4 : 10 : 0 per annum, secured on Nos. 13 to 15, ditto.—Sold for £140.
Freehold Ground-rent of £6 per annum, secured on Nos. 1 to 5, Harbury-crescent.—Sold for £200.
Freehold Ground-rent of £19 : 10 : 0 per annum, secured on Nos. 1 & 2, Westbourne-grove, and Four sets of Stabling, Richmond-mews, Nottinghill.—Sold for £580.
Freehold Ground-rent of £36 per annum, secured on Nos. 9 to 11, Chepstow Villas.—Sold for £1,050.
Freehold Ground-rent of 10s. per annum, secured on Nos. 1 & 3, Chepstow Villas West.—Sold for £70.
Freehold Ground-rent of £10 per annum, secured on No. 5, Chepstow Villas.—Sold for £300.
Freehold Ground-rent of £10 per annum, secured on No. 6, ditto.—Sold for £290.
Freehold Ground-rent of £27 : 10 : 0 per annum, secured on "Pembridge House."—Sold for £800.
Freehold Ground-rent of £3 per annum, secured on Nos. 21 & 23, Pembridge Villas.—Sold for £130.
Freehold Ground-rent of £12 per annum, secured on No. 27, ditto.—Sold for £370.
Freehold Ground-rent of £12 per annum, secured on "Upton House," No. 29, ditto.—Sold for £360.

Freehold Ground-rent of £6 per annum, secured on No. 31, ditto.—Sold for £180.

Freehold Ground-rent of £15:10:0 per annum, secured on nine sets of Stabling, Coach-houses, and a small Shop, Chepstow-mews, Chepstow-place.—Sold for £410.

Freehold Ground-rent of £8 per annum, secured on Nos. 1 to 7, Chepstow-place, and Nursery-ground in rear.—Sold for £260.

Freehold Ground-rent of £10 per annum, secured on No. 1, Adelaide-terrace, Ledbury-road.—Sold for £290.

Freehold Ground-rent of £7:10:0 per annum, secured on Nos. 2, 3, 4, & 6, ditto.—Sold for £310 each.

Freehold Ground-rent of £7:10:0 per annum, secured on No. 5, ditto.—Sold for £320.

Freehold Ground-rent of £8:8:0 per annum, secured on No. 8, ditto.—Sold for £230.

Freehold Ground-rent of £8:8:0 per annum, secured on No. 9, ditto.—Sold for £240.

Freehold Ground-rent of £31 per annum, secured on Nos. 10 to 13, ditto.—Sold for £840.

Freehold Ground-rent of £8:8:0 per annum, secured on No. 14, ditto.—Sold for £240.

Freehold Ground-rent of £2 per annum, secured on Nos. 15 to 19, ditto.—Sold for £140.

Freehold Ground-rent of £7:10:0 per annum, secured on No. 3, Ledbury-terrace, Ledbury-road.—Sold for £210.

Freehold Ground-rent of £2 per annum, secured on No. 4, ditto.—Sold for £80.

Freehold Ground-rent of £8 per annum, secured on No. 6, ditto.—Sold for £290.

Freehold Ground-rent of £2:10:0 per annum, secured on Nos. 1, 2, & 3, Ledbury-road.—Sold for £160.

Freehold Ground-rent of £10 per annum, secured on Nos. 5, 6, & 7, ditto.—Sold for £280 each.

Freehold Ground-rent of £4 per annum, secured on Nos. 8 & 9, ditto.—Sold for £130.

Freehold Ground-rent of £5 per annum, secured on Nos. 14, 15, & 16, ditto.—Sold for £280.

By Mr. MARSH.

Freehold Dwelling-houses, Nos. 1 to 8, Grange-walk, Bermondsey; let at £97:4:0 per annum.—Sold for £800.

Leasehold House, No. 13, Canonbury-park South; term, 89½ years from Lady-day, 1847; ground-rent, £8 per annum; let at £33 per annum.—Sold for £640.

Leasehold House, No. 15, Canonbury-park South; same term, &c.—Sold for £600.

By Messrs. HEDGER & DAVIES.

Leasehold House, No. 42, Han's-place, Sloane-street, Knightsbridge; held for 13 years from Christmas last; ground-rent, £5 per annum; let at £54 per annum.—Sold for £300.

By Messrs. VENTOM & SON.

Freehold, The "Bermondsey Distillery," Nos. 196 & 197, Bermondsey-street; let on lease at £328 per annum.—Sold for £4,500.

AT GARRAWAY'S.—By Messrs. ELLIS & SON.

Freehold Rent-charge of £158:6:8 per annum, secured upon Lavender Dock, Rotherhithe-street.—Sold for £2,750.

Leasehold, The "Russell Hotel," Brixton-road, together with a Dwelling-house and Shop adjoining, and extensive Stabling in the rear; the whole held for 80 years from September, 1819, at £75 per annum; the dwelling-house, shop, and stabling, let on lease at £90 per annum.—Sold for £2,400.

By Mr. CHARLES HAWKINS.

Leasehold Residence, No. 3, Greville-place, Kilburn; term, 60 years unexpired from September last; ground-rent, £17:10:0 per annum; let at £65 per annum.—Sold for £400.

Leasehold Cottages, Nos. 13 & 15, Middle-row, Kensal New-town; held for 70½ years from June, 1855; ground-rent, £4:10:0 per annum; let at £38:12:0.—Sold for £108.

English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	224½ x d	223 x d	224½ x d	223	..	..
3 per Cent. Red. Ann...	93⅝ x d	93⅝ x d	93⅝ x d	94⅛ ⅜	..	..
3 per Cent. Cons. Ann...	94⅞	94⅞	94⅝ 5	95⅛ ¼	..	..
New 3 per Cent. Ann....	93⅝ x d	93⅝ ⅜	93⅝ x d	93⅝ 4⅛	..	..
New 2½ per Cent. Ann.	..	..	..	..	..	..
Long Ann. (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 60 years (exp. Apr. 5, 1885)	17⅞	17 13-16	17⅞	..	..	..
India Stock	..	..	..	220½	..	..
India Loan Debentures..	96⅜	96⅜ 7	96½	96⅝ ¾	..	..
India Bonds (£1,000) ..	..	..	..	88 p	..	..
Do. (under £1000)	4s 6s p	6s p	..	..	..	..
Consols for account	95⅛	94⅞	94⅝ ⅜	95⅛ ¼	..	..
Exch. Bills (£1000) Mar.	33s35sp	34s36sp	36s33sp	33s36sp	..	..
Ditto June....	..	..	..	..	..	..
Exch. Bills (£500) Mar.	..	33 sp	36s33sp	..	..	..
Ditto June....	..	..	..	..	..	..
Exch. Bills (Small) Mar.	34s36sp	35 sp	36s33sp	..	..	..
Ditto June	..	..	..	..	..	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds	..	..	..	..	..	..
Exch. Bonds, 1859, 3½ per Cent.	..	..	..	..	..	..
Ditto (under £1,000) ...	..	..	..	..	..	..

Railway Stock.

RAILWAYS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	61	61	..	..
Bristol and Exeter	..	..	..	..	..	..
Caledonian	80 79½	79½ 80	79½	80	..	..
Chester and Holyhead..	..	..	..	..	..	..
East Anglian	..	..	..	..	..	..
Eastern Counties	58	57½ ⅝	57⅝	58½ 8 ½	..	..
Eastern Union A. Stock.	..	..	..	44	..	..
Ditto B. Stock	30	30	..	..	..	..
East Lancashire	..	90½	..	90½ 1	..	..
Edinburgh and Glasgow	..	71½	71½	..	..	..
Edin. Perth, and Dundee	..	27	..	26⅞	..	..
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	101	..	100⅞	101½	..	..
Ditto A. Stock	..	..	85	86 5	..	..
Ditto B. Stock	..	..	..	..	..	..
Gt. South & West. (Ire.)	104⅜	..	104	..	..	..
Great Western	57⅛ ⅜	57⅛ 8	57⅛	58⅜ ½	..	..
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	93	92⅝ ⅜	92⅝	92⅝ ¾	..	..
Lon. Brighton & S. Coast	..	111⅛	111⅛	111⅛	..	..
London & North-Wstrn..	93⅛ ⅞	94 ⅜	93⅛ 4	94⅛ ¼	..	..
London & South-Westrn.	91	91	90⅞ 1	91⅛	..	..
Man. Sheff. & Lincoln..	38	..	37⅜	38⅜	..	..
Midland	100⅞	101⅛	100⅞	101⅛	..	..
Ditto Birm. & Derby	..	..	..	..	..	..
Norfolk	58	..	..	57⅛ 8	..	..
North British	55⅞	55⅜ 6	55⅜	56 6⅛	..	..
North-Eastern (Brwck.)	90	90	89⅞	90⅛ ¼	..	..
Ditto Leeds	45⅞ 6	45⅞	45⅞	45⅞ 6	..	..
Ditto York	74⅛	..	74⅛	74⅛ ⅜	..	..
North London	..	..	..	..	..	..
Oxford, Worc. & Wolver.	..	..	32⅛ ⅛	..	..	..
Scottish Central	..	..	..	107	..	..
Scot. N.E. Aberdeen Stk.	..	..	..	..	..	..
Do. Scotsh. Mid. Stk.	..	..	82	81½	..	..
Shropshire Union	..	..	..	..	..	..
South Devon	..	..	43⅜	44	..	..
South-Eastern	68⅛	68⅛ ⅜	68⅛ 8	68⅜	..	..
South Wales	..	..	..	..	..	..
Vale of Neath	..	..	..	..	..	..

London Gazettes.

Bankrupts.

TUESDAY, *April* 19, 1859.

BLEACKLEY, GEORGE, Brewer, Sun Brewery, Salford. May 6 & 26, at 11; Manchester. *Off. Ass.* Hernaman. *Sols.* Cooper & Sons, Pall Mall. *Pet.* April 9.

COPLEY, JOHN, Cabinet Maker, Westgate-st., Gloucestershire. *Com.* Hill: May 9, and June 6, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Lovegrove, Gloucester. *Pet.* April 14.

COWAN, JOSEPH, Corn Merchant, Liverpool. *Com.* Perry: May 5 & 27, at 11; Liverpool. *Off. Ass.* Turner. *Sol.* Banner, North John-st., Liverpool. *Pet.* April 15.

DURRELL, JOSEPH, & GEORGE GREENACRE, Millers, Briggate Mills, North Walsham, Norfolk. *Com.* Fonblanque: May 3, at 1; and May 31, at 12; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Sole, Turner, & Turner, 68 Aldermanbury; or Miller, Son, & Bugg, Norwich. *Pet.* April 6.

EDWARDS, JOHN, Boot & Shoe Maker, Shrewsbury. *Com.* Sanders: April 29, and May 31, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Powell & Son, Birmingham. *Pet.* April 16.

FLEESON, ELIZA, LUCY FLEESON, & HANNAH FLEESON, Milliners & Dressmakers, Brighton (E. & L. Fleeson). *Com.* Holroyd: May 3, at 3; and May 31, at 12; Basinghall-st. *Off. Ass.* Lee. *Sols.* Dimmock & Burbey, 9 Suffolk-lane, London; or Stuckey, Brighton. *Pet.* April 15.

GEDDES, RICHARD, Coal Merchant, Marsh-hill, Hemerton. *Com.* Pane: May 5, at 11; and June 3, at 1; Basinghall-st. *Off. Ass.* Whitmore. *Sol.* Moss, 18 Bucklersbury. *Pet.* April 15.

JOYNER, ROBERT, Grocer, Mill-st., Toxteth-pk., Liverpool. *Com.* Perry: May 5 & 27, at 11; Liverpool. *Off. Ass.* Cazenove. *Sol.* Pemberton, 13 Cable-st., Liverpool. *Pet.* April 9.

PARRINDER, WILLIAM, Grocer, Liverpool. *Com.* Perry: April 27 and May 30, at 11; Liverpool. *Off. Ass.* Morgan. *Sol.* Campbell, 6 Castle-st., Liverpool. *Pet.* April 16.

PRITCHARD, WILLIAM, Builder, Bushey-heath, Herts. *Com.* Fonblanque: May 3 & 31, at 2; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Price, Bolton, & Flder, 1 New-sq., Lincoln's-inn. *Pet.* April 18.

TOMLINSON, WILLIAM JAMES, & MICHAEL LAWRENCE DELAURAY, Shirt and Collar Manufacturers, Manchester (W. J. Tomlinson & Co.) May 5 & 20, at 12; Manchester. *Off. Ass.* Hernaman. *Sols.* Sale, Worthington, Shipman, & Seddon, Booth-st., Manchester. *Pet.* April 15.

WHITE, ROBERT DENNIS, & JOHN GREGORY, Agents & Bankers, 11 Haymarket, also trading in copartnership with JAMES FORTESCUE HARRISON & ARTHUR KAY KING, at Calcutta (White & Co.) *Com.* Holroyd: May 11 and June 3, at 11; Basinghall-st. *Off. Ass.* Lee. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* April 16.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *April* 19, 1859.

COLLINS, FREDERICK, Pawnbroker, 116 & 117 Drury-lane. May 10, at 12; Basinghall-st.

EALAND, EDWIN NATHANIEL, Plumber, Birmingham. May 12, at 11; Birmingham.

HOLMES, THOMAS, Bookseller, 76 St. Paul's-churchyard. May 11, at 1.30; Basinghall-st.

LANE, RICHARD KIRKMAN, Bill Broker, 29 Argyle-st., Regent-st., and 4 Union-crescent, Wandsworth-rd. May 12, at 11; Basinghall-st.

Oswald, George, Corn Merchant, Fishburn, Durham. April 29, at 11.30; Newcastle-upon-Tyne; by adjt. from April 15, at 12.

Pavitt, William, & Daniel Pavitt, Millers, 30 Alfred-st., Bow-rd., and George Pavitt, Myddleton-rd., Kingsland-rd. (Pavitt & Co., 247 Wapping, and 24 Mark-lane). May 11, at 12; Basinghall-st.

Roberts, William, Grocer, King's Lynn. May 11, at 11; Basinghall-st.

Smith, Edward, Woolstapler, 116 Russell-st., Bermondsey. May 12, at 1; Basinghall-st.

Watson, Michael, Innkeeper, Hartlepool. May 12, at 11.30; Newcastle-upon-Tyne.

CERTIFICATES.

To be allowed, *unless Notice be given, and Cause shown on Day of Meeting.*

Tuesday, *April* 19, 1859.

Cooke, George Francis, Lime Burner, Wouldham, Kent, Chelsea, and Battersea; also of 30 King-st., Cheapside, there practising as attorney. May 10, at 1; Basinghall-st.

Cooper, Joseph, Baker, 61 Friar-st., Blackfriars-rd., and Gray's-inn-lane, Holborn. May 12, at 1; Basinghall-st.

Dean, Michael Holloway, Grocer & Druggist, Ashbourne, Derby. May 10, at 11; Nottingham.

Hill, John, jun., Lace Manufacturer, Lenton, Nottingham. May 10, at 11; Nottingham.

Hill, Thomas, Broker, Liverpool. May 10, at 11; Liverpool.

Locking, George, Hotel & Lodging-house Keeper, Dolphin-hotel, Cleethorpe, Lincolnshire. May 11, at 12; Kingston-upon-Hull.

Machin, Jesse, & William Catling, Shipping & Commission Agents, 7 Skinners-pl., Size-lane. May 11, at 12; Basinghall-st.

Messer, John James, Optician, 19 & 20 Upper King-st., Commercial-road East. May 11, at 1.30; Basinghall-st.

Newton, William Henry, Builder, Stratford, Essex. May 12, at 1; Basinghall-st.

Salmon, Henry Curwen, Share Dealer, late of 38 Cobourg-st., Plymouth, previously of Sigford, near Ashburton, formerly of Shute, near Totness. May 12, at 11; Exeter.

Siddons, William, Timber Merchant, Kingscliffe, Northamptonshire. May 11, at 1; Basinghall-st.

Wheller, George, Draper, Curry Rivel, Somersetshire. May 11, at 11; Exeter.

To be delivered, *unless* Appeal *be duly entered.*

Tuesday, *April* 19, 1859.

Allen, William, Boot & Shoe Maker, Wellingborough, Northamptonshire. April 6, 2nd class.

Arnsby, George Ekins, Boot & Shoe Manufacturer, Earl's Barton, Northamptonshire. April 4, 2nd class, to be suspended 6 months from Dec. 8.

Bartlett, Thomas Barrett, Tailor, 6 Middle-row, Knightsbridge. April 6, 2nd class.

Bayliss, Richard Castle Joner, Shoe Mercer, 3 Lilly Pot-lane, and 36 Jewin-st. April 7, 2nd class, to be suspended 3 months

Follett, Henry, Ship Builder, Dartmouth. April 13, 2nd class, to be suspended 4 months.

Gover, Edward Thomas, Stationer, Bull's Head-ct., Newgate-st. April 12, 3rd class, to be suspended 6 months from Mar. 11.

Hall, Henry John, Ship Broker, Mark-lane-chambers, Mark-lane. April 13, 3rd class, after having been suspended 6 months.

Hayes, William Stone, Outfitter, Liverpool. April 8, 3rd class, to be suspended 12 months.

Hicks, James, Shoemaker, Gt. Driffield, Yorkshire. April 13, 3rd class.

Hill, Charles William, Anvil Maker, Birmingham. April 18, 2nd class.

M'Kinstry, William, Broker & Commission Merchant, Liverpool. April 9, 2nd class, to be suspended 6 months from April 5.

Lamprell, William Allston, Master Carpenter & Builder, 91½ Long-lane, Smithfield. April 14, 3rd class.

Manby, George, Licensed Victualler, Sudbury, Suffolk. April 14, 3rd class, to be suspended 6 months.

Oppenheim, Charles Fox, Master Mariner, 6 John-st., Minories. April 11, 1st class.

Roots, George, Stone Merchant, Ospringe, Kent, and of Faversham. April 6, 3rd class, to be suspended 6 months.

Sanders, Philip William, Spade & Shovel Manufacturer, Smethwick, Staffordshire. April 18, 2nd class.

Smith, Henry, & Henry Mills, Newspaper Proprietors, Chester. April 11, 2nd class.

Watts, Alfred, & Thomas Whitney, Carpenters, Bletchynden-ter., Southampton, and Millbrook-rd., Freemantle, Hants. Mar. 22, 3rd class.

Yapp, Edward, Butcher, Leominster. April 18, 2nd class.

Professional Partnership Dissolved.

Tuesday, *April* 19, 1859.

Richardson, James, Henry Richardson, & Nicholas Charles Gold, Attorneys-at-Law & Solicitors, York (J. & H. Richardson & Gold); by mutual consent, so far as concerns N. C. Gold. In future the business will be carried on by J. & H. Richardson. Mar. 31.

Assignments for Benefit of Creditors.

Tuesday, *April* 19, 1859.

Bagshaw, John, Esq., Dovercourt, Essex. April 7. *Trustees*, J. G. K. Burt, M.D., Harwich; J. Young, Accountant, Tokenhouse-yd., London. *Sol.* Owen, Manningtree.

Le Grand, John, & Henry Savile Le Grand, Confectioners, Ryde, Isle of Wight, Mar. 31. *Trustees*, H. J. Le Grand, Gent., W. B. Groves, Butcher, F. Smith, Grocer, and S. Comden, Baker, all of Ryde. *Sol.* Eldridge, Newport, Isle of Wight.

Roberts, Edward, Cabinet Maker, Water-st., Llanelly. Mar. 23. *Trustees*, C. A. Hill, Merchant, 10 Milk-st., Bristol; J. Douglas, Timber Merchant, the Docks, Llanelly. *Sol.* Hill, Bristol; or Tate, Llanelly.

Woolley, Charles, Draper, Horsham. Mar. 26. *Trustees*, S. Lowry, Warehouseman, Wood-st., London; W. White, jun., Warehouseman, Cheapside. *Sol.* Turner, 68 Aldermanbury.

Creditors under Estates in Chancery.

Tuesday, *April* 19, 1859.

Last Day of Proof.

Cross, William, Woollen Manufacturer, Smallbridge, Rochdale (who died in or about the month of Nov. last). Cross *v.* Ann Cross. May 16, at the Registrar District Office of the Court of Chancery, 4 Norfolk-st., Manchester.

Davies, Rebecca, Glanonney, Brecon (who died in or about the month of Dec., 1850). Jayne and another *v.* Robert Harris, jun., and others, V. C. Wood. May 14.

Hanbury, Mary, Matfield-green, Brenchley, Kent (who died in or about the month of Sept., 1855). Arckoll and others *v.* Daun and another, M. R. May 27.

Kelso, Edward John Francis, Esq., Horkesley-pk., Essex (who died in or about the month of Oct, 1857). Kelso *v* Kelso, M. R. May 26.

May, Joseph, Cheesemonger, 19 Barnsbury-pl., Islington (who died in or about the month of Sept., 1857). May *v.* May, V. C. Kindersley. May 26.

Puxley, John Lavallin, Esq., Llethirllestry, Carmarthen (who died in or about the month of Nov., 1856). Puxley and another *v.* John Simon Lavallin Puxley and others, V. C. Wood. May 16.

Schofield, John, Wine & Spirit Merchant, Oldham (who died in or about the month of Nov., 1857). Bradbury and another *v.* Schofield and another, V. C. Wood. May 13.

Sleeman, Major-Gen. William Henry, Hon. E.I.C., Lucknow (who died in or about the month of Feb., 1856). Sleeman *v.* Sleeman, V. C. Kindersley. May 31.

Windings-up of Joint Stock Companies.

Unlimited, in Chancery.

Tuesday, *April* 19, 1859.

British Colonial & Foreign Sugar Company.—V. C. Kindersley has appointed Frederick Whinney, 5 Serle-st., Lincoln's-inn, Official Manager of this Company.

Cae Cynon Mining Company. — The Master of the Rolls has appointed Robert Palmer Harding, Accountant, 5 Serle-st., Lincoln's-inn, Official Manager of this Company.

Dhurode Copper Mining Company.—The Master of the Rolls has removed Mr. John Davis, Accountant, 56 King William-st., from his office as Official Manager, and has appointed Mr. William Henry M'Creight, of Gray's-inn, to be interim Manager until the appointment of an Official Manager. Meeting for appointment of Official Manager, April 27, at 2.

Scotch Sequestrations.

Tuesday, *April* 19, 1859.

Dick, William, & Co., Potato Merchants, Dumbarton and Alexandria, and Walter M'Indoe, Alexandria. April 25, at 12; Elephant-inn, Dumbarton. *Seq.* April 13.

Milliken, David, Draper, Kilmarnock. April 23, at 2; Faculty-hall, St. George's-pl., Glasgow. *Seq.* April 14.

Scott, Thomas, formerly of 111 Drummond-st., Euston-sq., now of Clyde-st., Edinburgh. April 25, at 2; Stevenson's-rooms, 4 St. Andrew's-sq., Edinburgh. *Seq.* April 14.

Somerville, George, Power-Loom Tenter, 15 Sydney-st., Glasgow. April 26, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* April 14.

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THE SOLICITORS' JOURNAL.

LONDON, APRIL 30, 1859.

CURRENT TOPICS.

The Parliamentary return, which will be found below, is the best proof how just is the feeling of disappointment which has been entertained by the profession and the public generally for some time in respect of the shortcomings of the Divorce Court. The public, indeed, were perhaps scarcely prepared to learn how great is the arrear of cases of dissolution of marriage which there is no immediate prospect of having decided. Sir C. Cresswell, the other day, intimated that some remedy would be found before long. He gave no hint whether it was to consist in a new arrangement with his common law coadjutors, or in the creation of another permanent member of the new Court. From the language employed by his Lordship, however, there is very little doubt that the scheme for extending the judicature of the Court has been determined upon. If it be otherwise, we hope that so important a step may not be taken without consulting those who are competent to advise upon the matter.

The following is the substance of the return to which we allude :—

Since January, 1858, 228 petitions have been filed for Divorce; 184 of these by husbands, and 104 by wives. 37 dissolutions of marriage were decreed, and six petitions were refused; 143 cases were undefended; 134 cases were set down for trial at the date of the returns; 105 were appointed to be tried by the full court without juries; 24 by the full court with juries; and 13 by the Judge Ordinary and jury. The petitions for judical separations were 105—8 by husbands and 97 by wives.—Of these 28 were decreed, and 3 refused; 15 cases were undefended, and 6 are now down for trial,

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A correspondent asks of us whether we consider a solicitor a fit person to fill the office of high bailiff of a county court? The judge of the Westminster County Court has just appointed his son, who, our correspondent informs us, was a lieutenant in a regiment of the line, and present at the assault of Delhi. His predecessor, the late Mr. Smedley, was a member of the legal profession. Besides being county court high bailiff, he held the more important post of high bailiff to the City and Liberty of Westminster. These two appointments were, by a recent Act of Parliament, separated, as was the case with similar offices at Southwark. A solicitor has been appointed to the City of Westminster, and two solicitors are now candidates for the Southwark appointment, which is vested in the Common Council of the City of London. The judges of county courts have the privilege of appointing their own officers in conformity with the Act of Parliament, and in the case of High Bailiff are not restricted to the legal profession, though we know of no instance where a layman has been appointed high bailiff of a borough under the old system; and from the nature of the duties of the office, it would certainly seem proper, in every instance, to appoint a solicitor, who would be certainly better fitted to discharge them than a gentleman whose education has been completed under the drill serjeant.

THE NEW CHANCERY ORDERS.

Our impression of last week contained the Chancery Orders which have recently been published with reference to proceedings under Sir Hugh Cairns' Act of last year (21 & 22 Vict. c. 27). It has been the subject of some jocularity and surprise that, although the Act has been in operation since the 1st of November last, not a single case has occurred in which a court of equity has availed itself of the aid of a jury, as it might have done under the provisions of the statute. Several applications for a jury have been made, and refused on various grounds. In *Peters* v. *Rule* (7 W. R. 171), Vice-Chancellor Wood was evidently glad enough to escape from trying a question of legitimacy, with the aid of a jury, upon the ground that counsel had already been retained for a trial of an issue at common law. His Honour stated that, on consulting with the other judges of the court, he had found it was extremely difficult to lay down "any general rule as to whether a case should be tried by this Court or by a Court of Common Law;" and that he was not disposed to order a trial with a jury in his court in any case without special grounds, *unless both parties concurred in the request.* In *George* v. *Whitmore* (7 W. R. 225) the Master of the Rolls considered that the proper construction of the Act was, that wherever under the old practice you might have an *issue*, you may now have a trial before the Court itself and a jury. If this be so, the Act will, of course, prove a dead letter; its great object being to save the taking of evidence a second time, which, of course, cannot be effected, if first you must bring on the cause in the ordinary way, with the written evidence complete, and then are compelled to go over the case again, upon vivâ voce evidence before a jury. It certainly appears to us that neither of these decisions are wholly consistent with the enactment on which they profess to be based. The third section of the Act makes it lawful for the Court of Chancery, if it shall think fit, to cause *any question of fact arising in any suit or proceeding* to be tried by a jury before itself. If the principle of V. C. Wood's decision were made the rule, any application for a jury would be no longer subject to the discretion of the Court, but of the opposite party in the cause; and if Sir J. Romilly be correct, no question in a suit or proceeding can be tried in Chancery before a jury, unless where you can now have an issue at law, and where, generally speaking, it would be a matter of indifference to the litigants whether the trial took place at Lincoln's-inn or Guildhall. In all those cases where the question of fact lies at the very foundation of the suit in Chancery, and on the decision of which the plaintiff's right to relief altogether depends, the Act, according to the construction of the Master of the Rolls, would be utterly worthless. Take the case of a suit where the simple question on which the whole suit depends is partnership or no partnership, why should not the plaintiff be allowed, on filing his bill, to have that question decided by a jury, without first proving his case by written affidavits and depositions? Otherwise he may be required to put into requisition the whole machinery

of the court, including the Examiner's office, in order to make out a *primâ facie* case (somewhat analogous, in criminal cases, to a bill of indictment before a grand jury), and afterwards to go over the same ground again in the trial before a jury. Nor would the hardship be confined to the plaintiff. The defendant would have exactly the same just ground of complaint. Under these circumstances, it is not likely that, in such cases, any party to a cause would ever try to avail himself of the provisions of the Act, unless where he had already failed to make out as good a case as he believed he might have done, and was therefore anxious to have an opportunity of endeavouring to improve his position.

It must be remembered, however, that the equity judges were in a position of some embarrassment in dealing with cases under Sir H. Cairns' Act, so long as there were no general orders of the Court for their guidance. These orders have now been published, and seem to be clear and intelligible enough. They look very much like as if they were intended for use; and it is a curious coincidence that they should have made their appearance at the moment when the only jury box which had been put up in court, viz. that in V. C. Stuart's, was being removed as an encroachment which was no longer tolerable, either *de jure* or *de facto*.

Notwithstanding all that has been said about the impracticable character of the Act in question, we see no ground whatever for such a suggestion, and have no doubt that if the equity judges carry out its provisions according to their natural construction, and in a liberal manner, it will be found a very great benefit to suitors, and will tend to increase the improving reputation of the Court itself. If it shall have the effect ultimately of abolishing the Examiner's office—as we hope it may—that would be of itself one of the most desirable reforms that remains to be achieved in the Court of Chancery.

A great deal of nonsense has been uttered about the incapacity of equity judges and counsel to deal with witnesses *viva voce*. It is said that equity lawyers are not educated in the law of evidence, as if there was one law of evidence for courts of equity and another for courts of common law; and as if suits were heard and questions determined in the former, in open violation or disregard of all the rules which have been laid down to govern the reception of testimony. Whoever professes to have any notion of a Chancery suit ought to know, that precisely the same principles of evidence apply in equity and at common law; and that, in fact, owing to the difference in practice between the two courts, an equity barrister ought to be more astute and subtle in advising upon evidence than a common law barrister. The latter is aware that he may be able, at the hearing of his case, by his own witnesses, or those of his adversary, to provide for any trifling oversights, and remedy any not very gross mistakes which may have been caused by his erroneous advice. The equity barrister cannot do so, and therefore must take care to come into court with evidence of the completeness and adequacy of which he has satisfied himself beforehand. Nor is it correct to say that equity barristers are without experience in the handling of witnesses. Considering that two examiners of the court are constantly kept at work—to say nothing of special examiners, or of the examinations in open court which are not very unfrequent now—there is no man, with any appreciable amount of business, who has not been many times engaged in the examination and cross-examination of witnesses. It should also be borne in mind that a fair proportion of equity practitioners went sessions and circuit in the earlier part of their career. But even granting that it might sometimes be advisable to bring in common law counsel where the aid of a jury was invoked in Chancery, that would be no reason, on the ground of expense or otherwise, why suitors should not be allowed to avail themselves of the provisions of the Act where it was obviously their interest to do so.

The Courts, Appointments, Vacancies, &c.

COURT OF CHANCERY.

(Before Vice-Chancellor Stuart.)

Clement v. *Maddick.*—*April* 27.

This was a motion on behalf of the proprietors of the weekly newspaper called *Bell's Life in London and Sporting Chronicle* for an injunction to restrain the defendants, George Maddick, William Henry Stephens, and Richard Vyvyan Robinson, from printing or publishing any newspaper, or other periodical paper, with or under the name or style of the *Penny Bell's Life and Sporting News*, or with or under any name or style of which the name, style, or words of *Bell's Life* should form a part, or in any way occur, and from using the name, style, or title of *Bell's Life* by way of name, style, or title to any newspaper or periodical, without the license or consent of the plaintiffs. On the 23rd or 24th ult., the first number of the *Penny Bell's Life and Sporting News* appeared, and up to the 11th inst. the defendant Maddick was the sole proprietor of that newspaper. On the day last mentioned, however, he assigned his interest in such newspaper to the other two defendants, Stephens and Robinson, but he still continued to be the publisher of it. The plaintiffs contended that the use by the defendants of the name or title of *Bell's Life* was calculated and intended to deceive the public, by leading them to believe that the defendants' paper was a cheap edition of the plaintiff's paper, which had been established for upwards of thirty-five years, and would be productive of serious loss and injury to the plaintiff; and in one of the affidavits in support of the motion, it was stated that, on one occasion, numerous applications had been made at the office of the plaintiffs' paper for the *Penny Bell's Life*. The defendants in their affidavits admitted that the name or style of *Penny Bell's Life and Sporting News* had been assumed and used by them merely for the purpose of conveying in the readiest way the information that their paper was intended to contain sporting news, and the first defendant (Maddick) said that he had given particular and distinct directions at the office of the cheap paper that no letter should be opened unless its address clearly showed that it was to be delivered at that office. The defendants contended that the prefix "penny" to the title *Bell's Life* was a sufficient declaration on their part to the world that their paper had no connection whatever with the plaintiffs' paper.

The Vice-Chancellor (without calling on Mr. Malins for a reply) said, that he did not feel much difficulty about the present case, for the defendants themselves were obliged to admit that the title *Penny Bell's Life and Sporting News* had been assumed for their paper merely for the purpose of conveying in the readiest way the information that it contained sporting intelligence. The plaintiffs' case was, that they had for a number of years exclusively published a sporting newspaper usually called and known by the name of *Bell's Life*. If the defendant could not publish a paper under the title of *Bell's Life*, what was the effect of their publishing one under the title of the *Penny Bell's Life*? The word "penny" only told the price, and the *Penny Bell's Life* amounted to a declaration that *Bell's Life* was sold for a penny. Then, why did the first defendant give particular direction with reference to the opening of letters? Because he knew that mistakes would occur from the similarity of the titles of the two papers, and it appeared from the plaintiffs' evidence that the mistakes which the defendant had apprehended had actually occurred. The defendants rested their whole case upon the circumstance of the title of their paper not being assumed from any fraudulent intention, and that by prefixing the word "penny" to the title *Bell's Life* they had sufficiently warned the public that the two papers had no connection with each other. He did not think that that was enough, and his Honour concluded by directing an injunction to issue in the terms above stated.

This decision appears to have given great satisfaction to the newspaper press, and has drawn from the *Globe* the following observations upon the soundness of the doctrine laid down:—"The decision of Vice-Chancellor Stuart, in the case of *Clement* v. *Maddick*, is one of great importance, not less to the public than to newspaper proprietors. In this case the defendant Maddick, with two other persons, published a paper called the *Penny Bell's Life*. What was the instant conclusion of the public? That the proprietors of *Bell's Life*, the renowned organ of the sporting world, had determined to publish a cheap edition of their journal. That was the general conclusion arrived at; it must have been the object of the

projectors of the penny paper to lead the public to that conclusion; and in consequence of the deception thus practised the public bought the paper. It was therefore the duty of the proprietors of *Bell's Life* not only to protect themselves, but to undeceive the public. There would be no end to piracy of this kind, if it were allowed to pass in the first instance. Persons stealing the substantial titles of our most influential journals might prefix the word "Penny" to them, and impose them on the public as cheap editions of the dearer papers, to the detriment of the plundered journals and of the public. We might have a *Penny Times*, a *Penny Economist*, a *Penny Globe*, or a *Penny Athenæum*. Such fraudulent proceedings ought not to be tolerated for one moment. The proprietors of *Bell's Life* applied to the Court of Chancery for an injunction, and we are glad to say that, without hearing the pleadings of counsel on either side, Vice-Chancellor Stuart at once granted the injunction prayed for, remarking that the word 'penny' only told the price of the paper, and that the prefix of that word was not sufficient to show the public that the weekly journal and the penny paper had no connection with each other. Everybody is at liberty to set up a paper, but nobody is at liberty to appropriate a title belonging to another."

ROLLS COURT.

(Before the Master of the Rolls.)

Bradbury v. *Dickens—in re "The Household Words."—April* 20.

Mr. *Jessel* moved for leave to serve the defendant in this case with notice of motion for to-morrow to advance the suit, upon the ground that the time for the defendant to file affidavits had expired yesterday, and that all reasonable despatch was necessary in a case of this kind, where the means of dealing with the copyright of such a work as *The Household Words*, and its real value to the proprietors, depended so much upon the proceedings in regard to it not being delayed.

His Honour.—Has the defendant filed any affidavits?

Mr. *Jessel*.—No, sir.

His Honour.—You may take an order for the service as prayed, on the understanding that the defendant is not to be prejudiced thereby, if he can show any cause why such short service would be injurious to him.

It was subsequently stated by the learned counsel that the defendant had consented to the arrangement in respect to the motion to advance the suit.

On Thursday the Master of the Rolls made an order, upon motion, for a dissolution of the partnership and sale of the property in question.

COURT OF PROBATE AND DIVORCE.

(Before the Judge Ordinary.)

Symes v. *Green—Judgment.—April* 20.

The plaintiff in this case, Mr. William Symes, propounded as executor, the will of Captain William Nott, late of the 83rd regiment. The defendant, the nephew and sole next of kin of the deceased, pleaded in opposition to the will that at the time of its execution Captain Nott was not of testamentary capacity. The case was tried before his Lordship on the 12th and 13th inst., when a number of witnesses were examined on both sides, and his Lordship deferred judgment.

His Lordship now gave judgment, and said, that the general principle by which cases of this kind were governed was, that when a will, rational on the face of it, was shown to have been executed and attested in the manner prescribed by law, it must be presumed, in the absence of evidence to the contrary, to have been made by a person of competent understanding; but if circumstances were proved which counterbalanced that presumption, the Court would decree against the validity of the will unless it was established affirmatively that the testator was of sound mind at the time of the execution. His Lordship then went through the evidence given as to the history of the deceased up to August, 1857, when he held the situation of instructor of musketry at Chatham, and had an attack of insanity. When he had partially recovered from that attack he went upon a visit to the residence of Mr. Symes, at Lewes, where he remained until the 29th of September without giving any manifestation of insanity according to the evidence of Mr. and Mrs. Symes, and of two ladies who were staying in the house. About a fortnight before his return to Chatham he expressed a desire to receive the sacrament, and after conferring with the incumbent of the parish, and being encouraged by him and by Mr. Symes, took the consecrated elements on the following Sunday. After the service he became much excited and depressed, and expressed a strong conviction that he had committed an unpardonable sin, and was irrevocably doomed to eternal perdition. When he returned to Chatham, Dr. M'Lean the staff surgeon, thought him still deranged, and placed him under the care of an orderly, and on the 7th of October a medical board reported him to be quite insane. The will, by which he directed his property to be divided between Miss Tillaley, a lady to whom he had formerly been engaged to be married, and Mr. Symes, was written on the 30th of September, and executed on the 1st of October, in the presence of Captain Lyle and Captain Bray. It was clear from Captain Lyle's evidence that the impression produced on his mind by the manner of the deceased, coupled with the recollection of his previous illness, was that the will would never be acted upon, and consequently his signature could not be taken as evidence that he thought the deceased of testamentary capacity. Captain Bray's evidence was still stronger as to the incapacity of the deceased. Excluding from consideration the circumstances relating to the sacrament, could the Court safely pronounce upon this evidence that the deceased's sanity had been affirmatively established? But when, in addition to this, he considered the fearful state of mind in which the deceased returned to Chatham, he could no longer hesitate. Far be it from him to say that a man was insane because he took a gloomy and desponding view of his spiritual condition, or because he tormented himself with fears which to most men might seem groundless; but in this case the unhappy man seemed quite unable either to conceal his thoughts or to reason about them. His Lordship then referred to various letters which the deceased had written to a lady whose acquaintance he had made at Lewes on the subject of his spiritual condition, in one of which he said that he had received a plain warning from God that he had committed an unpardonable crime in taking the sacrament unworthily. After reading such letters as these it was difficult to suppose that the deceased was not labouring under a fresh attack of aberration of intellect. Although, therefore, there was nothing irrational in the will itself, it could not be treated as the will of a person of sound and disposing mind. There was nothing in the subsequent history of the deceased to induce him to alter that impression, for he was removed to Fort Pitt Hospital, and thence to a private asylum, where he died in a state of decided insanity. The decree of the Court must therefore be against the will.

Dr. *Deane*, Q. C., for the executor, asked for costs out of the estate; but

His Lordship said, he did not think he should be justified in making any order as to costs.

Constitution of the Court.

His Lordship, in making an order in the case of *Gath* v. *Gath & Woodward*, observed that there seemed to be a prospect that the constitution of the Court would before long be altered and facilities given for the transaction of the business of the full Court. It would not then be necessary to have these causes tried before one member of the Court only.

COURT OF QUEEN'S BENCH.

The Queen v. *Fox.—April* 20.

This was a special case for the opinion of this Court.

The defendant, Charles Burton Fox, was clerk to the justices for the borough of Newport, in the county of Monmouth, and carried on business at Newport as an attorney, in partnership with Charles Prothero, who was clerk of the peace for the county. The present case arose out of an indictment which had been found against Mr. Fox for a misdemeanour, in being interested in the prosecution of certain offenders who had been committed by the borough justices of Newport for trial at the county sessions. At the trial of the indictment, which took place before Mr. Justice Hill, at Monmouth, at the last summer assizes, a nominal verdict was taken for the Crown, it being agreed that the facts should be turned into a special case for the opinion of this Court, without prejudice to the defendant's right to a writ of error.

It appeared that Mr. Fox was appointed clerk to the borough justices of Newport in 1845, and carried on the profession of an attorney there, in partnership with Mr. Charles Prothero, who, in 1848, was appointed clerk of the peace for the county of Monmouth. Since the year 1851 Messrs. Prothero & Fox had shared the profits of the partnership, and also the emoluments of the offices of clerk of the peace and clerk to the borough justices. Mr. Prothero, as clerk of the peace, received a fee, under the 57 Geo. 3, c. 91, on the arraignment and also on the trial of each prisoner tried at the county sessions, and these fees he shared with his partner, Mr. Fox. Under the Criminal

Justice Act, the 18 & 19 Vict. c. 126, s. 18, the income of the clerk of the peace was fixed at £540 per annum upon the average of five years, it being provided that, if the fees in any year should fall short of that amount, the Treasury, on application, should make up the deficiency. The question for the Court was, whether, under the circumstances stated, the defendant had been guilty of a misdemeanour under the 102nd section of the Municipal Corporations Act (the 5 & 6 Will. 4, c. 76) which enacted that—

> It shall be lawful for the justices of every borough to which a separate commission of the peace shall be granted as aforesaid, at their first, or any other meeting, and they are hereby respectively required to appoint a fit person to be the clerk to the justices of such borough, to be removable at their pleasure, and so often as there shall be a vacancy in the said office of clerk to the justices by death, resignation, removal, or otherwise; provided that it shall not be lawful for the said justices to appoint or continue as such clerk to the justices any alderman or councillor of such borough, or clerk of the peace for such borough, or the partner of such clerk of the peace, or any clerk or person in the employ of such clerk of the peace; provided also that it shall not be lawful for the said clerk to the justices, by himself or his partner, to be directly or indirectly interested or employed in the prosecution of any offender committed for trial by the justices of whom he shall be such clerk as aforesaid, or any of them, at any court of gaol delivery, or general or quarter sessions; and any person being an alderman, or councillor, or clerk of the peace of any borough, or the partner or clerk, or in the employ of such clerk of the peace, who shall act as clerk to the justices of such borough, or shall otherwise offend in the premises, shall for every such offence forfeit and pay the sum of £100, one moiety thereof to the treasurer of such borough, to be paid over to the credit and account of the borough fund of such borough, and the other moiety thereof, with full costs of suit, to any person who will sue for the same in any of her Majesty's Courts of Record, at Westminster.

Mr. *Welsby* (with whom was Mr. Scotland), in support of the conviction, contended that the facts stated in the case clearly showed that the defendant, if not "employed," was "interested in the prosecution of offenders" committed by the justices, of whom he was clerk, inasmuch as he shared in the fees which his partner, the clerk of the peace, received on the arraignment and trial of those prisoners.

Mr. *Phipson* (with whom were Mr. Serjeant Pigott and Sir Thomas Phillips) contended that the defendant was not interested "in the prosecution of offenders" committed by the borough justices, inasmuch as he had nothing whatever to do with carrying on those prosecutions. He was interested in the fact of these being offenders to be prosecuted; but he was not interested in their prosecution.

Lord Campbell said, he thought that the moral guilt of the defendant was infinitesimally small, for he probably did not know that he was doing wrong. Nevertheless, it seemed to him (Lord Campbell) the defendant had violated the Act of Parliament. The Legislature wisely showed great anxiety that there should be good advice given to justices of the peace, and it was by means of such advice given by clerks to justices that the administration of justice by an unpaid magistracy had been beneficial to the country, which, but for that, would not have been the case. Relying on honourable men and acting by their advice, the unpaid magistracy had done great credit to the country. It was of the last importance that the clerk who advised the justices should have no improper motive or bias in his mind, and for that reason there was an express proviso that certain persons should not be appointed to the office, and there was also this very large proviso that "it shall not be lawful for the said clerk to the justices by himself or his partner to be directly or indirectly interested or employed in the prosecution of any offender committed for trial by the justices, of whom he shall be such clerk," &c. It seemed to him (Lord Campbell) that in this case the defendant had an interest in the prosecution of the offenders committed by the justices, to whom he was clerk, because Mr. Prothero, his partner, was entitled to fees in which the defendant was to share. As often as a prisoner committed by the Newport justices was arraigned at the county sessions, Mr. Prothero received a fee, one moiety of which went into the pocket of Mr. Fox (the defendant). As soon, therefore, as it was proved that a fee was paid on the arraignment of one of those prisoners the offence was complete. Such he (Lord Campbell) thought was the intention of the Legislature in this enactment.

Mr. Justice Erle was of the same opinion, and thought the defendant had a pecuniary interest in the prosecution of offenders committed by the borough justices. His Lordship concurred in the opinion expressed by Lord Campbell, and said, that though the defendant had been properly convicted, he did not think he had done anything which in the smallest degree ought to lower him in the estimation of any one who might hear of this transaction.

Mr. Justice Crompton, at some length, expressed his dissent from the rest of the Court, and said he took the view of the statute which had been suggested by Mr. Phipson,—viz. that, in order to be within the proviso, the defendant must be interested in the prosecution of offenders, namely, in the carrying on the prosecution.

Judgment was then given for the Crown.

Lord Campbell said, a nominal fine would be imposed upon the defendant, in order that he might take the case to a Court of Error, if he should be so advised.

The Queen v. *Lee.—April* 21.

The defendant in this case, George Lee, kept a shop in Westgate-street, Gloucester, in which he sold sweets; and he had been convicted by two magistrates of Gloucester, of "following his usual calling on the Lord's-day," and fined 5*s*. He appealed against the conviction, and a case was stated for the opinion of this Court, under the 20th & 21st Vict. c. 43.

When the case was called on, no one appeared to support the conviction.

Lord Campbell said, that in stating the case, he was sorry to observe that the magistrates had made an observation which was wholly extra-judicial. The observation was, "The magistrates have only to add that Lee's shop is in the most conspicuous part of the city, and that the continual Sunday trading therein for which the defendant has been several times convicted has been repeatedly made the subject of public complaint."

Mr. *Powell*, who appeared for the appellant, said, he was instructed that an application had been made to the clerk to the magistrates to amend the case, but the only answer made was, that he should not alter a letter.

Lord Campbell said, he thought the Court ought to animadvert upon such statements being introduced into the case. It was most improper, and he hoped it would not prejudice the minds of the Court, though it could only have been introduced for that purpose.

Mr. *Powell* called the attention of the Court to a second conviction of the same defendant, in which it was stated that certain facts were not denied by the defendant, though it appeared by the evidence set out, that those facts were cross-examined to.

Lord Campbell said, the case was not stated in a proper technical form,

Mr. *Powell* said, he was unable to learn what the complaint was; it merely stated that it was "for following his usual calling on the Lord's-day."

Lord Campbell said, he did not think the case was so stated that the Court ought to take judicial knowledge of it. His Lordship took the opportunity to express his great satisfaction at the manner in which cases had been stated under this Act of Parliament. He approved of the Act, but he was at first afraid of the manner in which the cases would be stated. In general, the cases had been well stated by the magistrates' clerks; but, in this instance, it did not put the Court in possession of the charge brought against the defendant, nor of the grounds on which the conviction took place. The conviction must be quashed.

The other judges concurred.

Purkis, Appellant, v. *Huxtable, Respondent.—April* 27.

This was an appeal from a conviction under the 20th section of the 9th Geo. 4, c. 61, which charged that the appellant did, on the 28th of February, 1859, in the borough of Newport, knowingly permit persons of notoriously bad character to assemble together in his licensed inn against the tenour of his license. The case stated that when the police went into the appellant's house he found a number of persons assembled. There were nine prostitutes, three of whom were convicted thieves, one a brothel-keeper, and one a returned convict, and also several men. There was no appearance of refreshments. The appellant, in his defence before the magistrates, relied on the case of *Greig* v. *Bendino* (27 L. J. M. C. 294), in which it was held that where prostitutes assembled merely to obtain refreshment, and were not guilty of any disorderly conduct, the innkeeper was not guilty of an offence in permitting them to assemble. The magistrates, however, being of opinion that there was no evidence that the parties were assembled for the purpose of refreshment only, convicted the innkeeper, and fined him 20*s*., and 10*s*. costs. The case stated that no disorderly conduct was proved to have taken place in the appellant's house, and the question for the opinion of the Court was, whether upon the facts stated the conviction was right or wrong.

For the appellant, it was contended that the case came within the decision of this Court in *Greig* v. *Bendino*.

Mr. Justice Crompton said, the only question raised by the case was, whether it was necessary to prove that there was

disorderly conduct. That was the only defence raised before the magistrates.

Lord Campbell said, he thought it was a legal and proper conviction. He adhered to the decision of this Court in *Greig* v. *Bendino*, that if unfortunate women were merely supplied with refreshment, the case would not come within the Act, but when an innkeeper allowed nine prostitutes, three of whom were convicted thieves, one brothel-keeper, and one returned convict, and several men, to assemble in his house, there was evidence of his permitting persons of notoriously bad character to assemble. It could not be supposed that they came there to pray, or merely to get refreshment, but it was more likely that it was for some housebreaking purpose.

Mr. Justice Erle and Mr. Justice Crompton were of the same opinion. The object of the statute was to suppress the meetings of such persons, having such dangerous tendencies. Actual disorderly conduct was not an offence within this branch of the statute. Judgment for the respondent.

The Court and the Elections.—April 28.

At half-past eleven the inner bar, occupied by Queen's counsel, was entirely empty, and but few counsel occupied seats appropriated for the outer bar. The Court was kept waiting some time owing to the absence of leading counsel. Mr. Lush, Q. C., at last entered the court, when

The Lord Chief Baron, addressing that gentleman, said, the Court was anxious to do everything it could to assist those learned counsel who were performing what they considered a public duty in appearing on the hustings to represent their fellow-citizens in Parliament, but it was impossible the Court could be adjourned for their convenience, and the cases in the list must be argued in their absence by their juniors.

Mr. *Lush* said, he was unable to assist the Court. He was unable to go on with his cases from the absence of his opponents.

After some further delay, the Court proceeded with a case.

(Guildhall, before Mr. Justice Wightman.)

Cooper v. *Dawson.—April* 27

The plaintiff, the holder of a bill of exchange for £48, drawn by John Huntingdon Dawson, and purporting to be accepted by his mother, an old lady seventy years of age, the widow of an attorney in Newcastle-on-Tyne, sued Mrs. Dawson for the amount, and she pleaded that the signature was not hers, but a forgery.

Mr. John H. Dawson swore that he sent the bill to his mother to accept, and that she returned it to him accepted, and that a certain anonymous letter in the possession of his mother was not written by him.

Mrs. Dawson, the defendant, swore that she never saw or signed the bill, and that, to the best of her belief, the anonymous letter which she produced was in the handwriting of her son.

Mr. Yates, who for two years prior to 1851 acted as clerk in Mr. Abraham Dawson's office at Newcastle, and had opportunities of seeing Mr. John Huntingdon Dawson write, said, unhesitatingly, that the letter was written by Mr. J. H. Dawson, and that the signature to the bill, though an imitation, was not his mother's.

Mr. Young, an attorney, who discounted the bill, and was, in fact, the real plaintiff, as he would have to make good to Cooper the amount Cooper had advanced in the event of the plea of forgery being substantiated, said that he had been concerned for Mr. J. H. Dawson in a Chancery suit, and during four years had had frequent opportunities of seeing him write; that the letter was not written by Mr. Dawson, and that Mr. Dawson's was a firmer and bolder hand.

Before the letter could be read the collateral issue was submitted to the jury, whether or not it was written by Mr. John Huntingdon Dawson, and, after some deliberation, they said they were not unanimous.

Mr. Justice Wightman said, they must retire until they agreed.

The jury were about to withdraw when it was arranged by counsel on both sides that the question should be decided by his Lordship.

Mr. Justice Wightman said, he was of opinion that the anonymous letter was written by Mr. John H. Dawson.

The letter was then read. It commenced—"Mother,—You have neglected to answer my letter, although the ruin of myself and family depends on your doing immediately what I requested." It went on to admit that the writer had used Mrs. Dawson's name to a bill, and that if it were not renewed it would be in the power of some person to transport him. The writer further complained that his father had never given him a chance to succeed in the world, and that Mrs. Dawson's nephew, John Dawson, had been allowed to live rent free, while her own son had not a roof over his head.

The whole of the letter had not been read by the officer of the court, when counsel agreed to end the case by withdrawing a juror.

Mr. Justice Wightman intimated his satisfaction at that course being adopted.

The plaintiff's counsel applied to his Lordship to require an undertaking from the defendant's attorney that the documents should not be destroyed.

Mr. Justice Wightman ordered the documents to be retained by the officer of the court.

COURT OF EXCHEQUER.

Swinfen v. *Lord Chelmsford* (*Lord High Chancellor.*)—*April* 20.

The Attorney-General applied to have this case set down for trial at the sittings after the present term, upon the ground that the defendant was desirous of having the case tried and disposed of.

A similar application had been made to Mr. Baron Channell, at chambers, who declined to make an order, his Lordship saying that he could not interfere with the Lord Chief Baron's cause list.

The Lord Chief Baron said, as the case had been made a special jury, and it was not the practice to try special juries during the sittings after the present term, owing to the fact that only six days were allowed for the trial of cases in London and Middlesex, the application could not be entertained, and the case must come on in its ordinary course during the sittings after Trinity Term next; but if there were any special grounds upon which an application could be founded, then it could be made to him, as the trial of causes after term, and all arrangements relative thereto, were exclusively within his province.

COURT OF COMMON PLEAS.—*April* 20.

(Sittings in Banco.)

On the application of the learned Attorney-General this morning the argument in the great Shrewsbury Estate case was postponed until the 5th day of next term.

COURT OF BANKRUPTCY.—*April* 21.

(Before Mr. Commissioner Evans.)

In Re John Bagshaw.

A petition was presented by Mr. Linklater on behalf of Messrs. Cox, Cobbold, & Co., bankers, Harwich, for an adjudication of bankruptcy against John Bagshaw, lodging-house keeper. It was said he speculated largely in building, and that he furnished houses and let them so. The petition is a hostile, and not what is known as a friendly one; and the petitioning creditors' debt is between £400 and £500. The act of bankruptcy is an assignment of his property to trustees, which assignment it is alleged was executed on the 7th of the present month. The bankrupt did not appear to surrender, and it was said he is "out of the way." The liabilities are roughly estimated at between £40,000 and £50,000. The assets are uncertain. Adjudication was made, which is open to Mr. Bagshaw to dispute.

The Judgeship of the City Sheriffs' Court.—An addition to the list of candidates for the office now vacant by the death of Mr. Prendergast has been made in the person of Mr. T. Campbell Foster, a gentleman well known both as a lawyer and a writer. Mr. Foster's claims are based upon a large and increasing practice during the last thirteen years, not only in London, but upon the Northern Circuit, and at the West Riding sessions. As a legal author he is known by his "Review of the Law relating to Marriages within the Prohibited Degrees of Affinity;" and by a "Treatise on the Writ of Scire Facias." He is also the joint editor of "Foster & Finlaison's Nisi Prius Reports of Cases from all the Circuits." On the nomination of the present Attorney-General during the late Government he was engaged as one of the staff of barristers for consolidating the statute-law. To the general public Mr. Foster is best known by the able and interesting letters "Upon the Condition of the People of Ireland," which, as special commissioner for the *Times*, he contributed in 1845 to the pages of that journal.

High Bailiff of Southwark.—We understand that Mr. W. W. Charnock, of 51, King William-street, City, solicitor to

the London Traders' Society, is a candidate for this appointment.

Thames Police Court.—Mr. Selfe resumed his magisterial duties on the 21st inst., after an absence of four months and one week, caused by severe indisposition, contracted in the discharge of his duties as chairman of the commission for inquiring into the state of military clothing and stores at Weedon, the Tower, and Woolwich. Mr. Smith, as the senior solicitor present, and on behalf of the profession, warmly congratulated Mr. Selfe on his recovery, and Mr. Selfe returned thanks in a few words.

Honour of Knighthood.—The Queen has been pleased to confer the honour of knighthood upon Hugh Hill, Esq., one of the judges of her Majesty's Court of Queen's Bench.

Promotions.—The Queen has been pleased to appoint Colonel K. d'Arcy to be Superintendent of Police for the Island of St. Christopher; Charles Edmund Banks, Esq., to be Secretary to the Council and Registrar of the Land Court of the Island of Mauritius; and Philip Augustus Wake, Esq., to be Assistant-Superintendent of Police for that island.

Calcutta.—The seat in council vacant by the appointment of Mr. Montgomery to the Punjab has been offered by Lord Stanley to Sir Robert Hamilton. The selection is a good one, Sir Robert being specially acquainted with what in India are termed "foreign affairs," i. e. the internal affairs of the dependent native states. The Chief Justiceship has also been offered to Mr. Barnes Peacock, the Legislative Member of Council, and one of the most fortunate of English barristers. He was appointed under the old régime, and has drawn £10,000 a-year for eight years. He now obtains £8,000 a-year for seven years more, with a pension of £1,500 a-year at the expiration of that time.

Cape of Good Hope.—The death of Mr. Robert Knox, registrar of the mixed commission at the Cape of Good Hope, and for twelve years editor of the *Morning Herald*, is announced. He died at his residence, Cape Town, on the 6th of March. He had been in the colony but a few months, having only lately received the appointment from Lord Malmesbury, on the accession of the present Government to power.

Notes on Recent Decisions in Chancery.

(By Martin Ware, Esq., *Barrister-at-Law.*)

Joint Stock Company—Shares taken without Authority—Agent.

Ex parte Escudier. Re The St. George's Benefit Building Society, 7 W. R., V. C. K., 371.

This and the two following cases illustrate the points of similarity and difference between an ordinary partnership and that existing between the members of a joint stock company. In the present case (*Ex parte Escudier*) a gentleman had purchased shares in the names of his two nieces, and their names were accordingly entered on the register as shareholders. When the company was wound up it appeared that the shares had been bought without the knowledge of the nieces, and that they had given their uncle no authority for that purpose, nor had they in any way accepted the shares. Under these circumstances it was impossible that the nieces should be held contributories, but it was contended that the uncle was liable as a contributory on the ordinary principle that if an agent acted without authority, and the principal repudiated the contract, the agent must be held liable. The Vice-Chancellor, however, decided that this was not a case of an ordinary contract, but of an agreement for a partnership which could not be performed by any other person but the party named in the contract. His Honour observed that a joint stock company might be considered to stand upon the footing of an ordinary partnership for almost all purposes, except in administering the equities, which was not applicable to a partnership, and except in the transfer of shares and retiring. Suppose an uncle contracted with parties intending to carry on a trade that his nieces should be partners, and the nieces repudiated the transaction, as in this case, the uncle was not bound to become a partner, for that was not the contract. Of course the decision of the Vice-Chancellor did not affect the question whether the uncle might not be liable to the company in some way for the breach of contract; but it was clear that he did not become a partner, and was not, therefore, properly on the list of contributories.

Joint Stock Company—Specific Performance of Agreement to take Shares.

The New Brunswick and Canada Railway Company (Limited) v. *Muggeridge*, 7 W. R., V. C. K., 369.

One result of the distinction between joint stock companies and ordinary partnerships as to the power of retiring from the concern, which *Kindersley*, V. C., noted in the last case (*Ex parte Escudier*) is, that the Court of Chancery is able to enforce the specific performance of an agreement to take shares in a joint stock company. There are, indeed, cases in which the Court will enforce specific performance of an agreement for an ordinary partnership, as where the agreement is for a time certain; but as a general rule, such a decree would be nugatory, as the partner might retire at any time and dissolve the partnership. But it is otherwise with a joint stock company. When the shares are once taken, the partner cannot retire without providing a transferee of the shares who would be liable for the calls. The enforcing, therefore, of such an agreement is a substantial benefit to the company.

In the present case, the defendant applied for 300 shares in the usual form, undertaking to accept them when allotted. He afterwards refused to accept them, or to execute the deed of settlement. The company, therefore, filed a bill against him, to enforce the acceptance of the shares. The defendant pleaded the 1st regulation of schedule B. in the Joint Stock Companies Act, 1856, which provides that no person shall be deemed to have accepted any share, unless he has testified his acceptance in writing under his hand, in such form as the company shall from time to time direct. But the Court held that this was no answer to the bill. The defendant having entered into a valid contract to accept the shares, the Court had jurisdiction to compel him to execute the requisite formalities.

It should be observed, however, that this case appears at variance with the decision of the Master of the Rolls in *The Sheffield Gas Consumers Company* v. *Harrison* (17 Beav. 294), in which his Honour refused to entertain such a bill. It seems probable, therefore, that the case will be brought before a Court of Appeal.

Joint Stock Company—Forfeiture—Power of Directors.

Ex parte Barton, re the National Patent Steam Fuel Company, 7 W. R., L. J., 396.

The difficulty of a partner in a joint stock company getting rid of his liability as a partner, even though he has not actually become a shareholder in the strict sense of the term, and while consequently his partnership still only lies in contract, is further illustrated by this case. Mr. Barton had applied for and agreed to accept 100 shares in a joint stock company, but when the shares were allotted to him he neglected to execute the deed, and the directors accordingly declared the shares forfeited. There was no claim in the company's Act empowering them to declare shares forfeited, but the directors were authorised to do so by a general meeting of the shareholders called for that purpose. It seems, however, to be well established that such an authorization was insufficient; for if it was beyond the power of the directors to alter the terms of partnership, it was in like manner beyond the powers of a general meeting to do so. The majority at such a meeting could not bind the minority; and such an alteration could be only made by the consent of all the partners (see *Morgan's case*, 1 Mac. & G., 225). It was, however, contended in the present case that as Mr. Barton was not a complete shareholder, the transaction only rested in contract between him and the directors, and that the contract might be abandoned or rescinded by the parties, like any other contract. Some ground for this opinion was furnished by the judgment of Lord *Cranworth*, in *Ex parte Beresford* (2 M. & G. 197), where this reasoning was adopted. But in that case the deed of settlement contained a power of forfeiting shares, and, therefore, the provisions of the deed regulated the relations between the parties, and enabled them to determine the contract, although it was not strictly a forfeiture.

The Lords Justices, affirming the decision of *Kindersley*, V.C., held that the directors had no power to bind the company by any declaration of forfeiture, even in a case where the contract was only executory, and consequently the rights and liabilities of Mr. Barton as a partner and contributory remained undisplaced. *Knight Bruce*, L.J., however, threw out a suggestion to the effect, that if there had been evidence of actual consent on the part of Mr. Barton to the forfeiture, that fact might have been in his favour. It was not necessary to decide that point, for there had been no actual consent, although there had been

silent acquiescence; but it is not easy to see how his consent would have made any difference if the principle on which the case proceeds is correct—namely, that the directors were the agents of the company to make the contract with Mr. Barton, but not to absolve him from it.

Notes on Recent Cases at Common Law.

(By James Stephen, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

Parliamentary Franchise—Mistake of Revising Barrister, Effect of.

In re Allen, 7 W. R., C. P., 397.

The question in this case was as to the construction of 6 & 7 Vict. c. 18, which enacts in effect, that whenever, by any judgment or order of the Court of Common Pleas, sitting as a court of appeal from the decision of a revising barrister, such decision shall be reversed or altered so as to require any alteration or correction of the register of voters for any county, or for any city or borough—a written notice of the judgment or orders having been first given through a master of the court to the sheriff or returning officer in whose custody the register is—the sheriff or returning officer shall alter and correct the register accordingly. In the present case, application was made for relief, under this provision, where the name of a voter had been *by mistake* struck out, by the revising barrister, from the list of county voters—his intention being to strike it out of the *borough* list, wherein it had been wrongly inserted. The Court of Common Pleas, however, thought they had no jurisdiction to interfere, as there was no appeal before them.

Attorney and Client — Professional Communication, Privilege as to.

Griffith v. *The New Machno Slate and Slab Company (Limited)*, 1 Fost. & Fin. 373.

In this case, *Crowder*, J., had occasion to lay down the law as to evidence concerning facts professionally communicated. It was an action for goods sold and delivered, to which the defence was, that the goods in question had been supplied upon the credit of another company, with the same managers as those of the company sued; and the plaintiff was asked, on cross examination, whether he had not told his attorney, whilst consulting him about the case, that he knew there were two companies. This question was objected to, on the ground that communications made by a party to his attorney were privileged, and the plaintiff could not, therefore, be asked concerning them; but *Crowder*, J., said, "The privilege goes no further than this—that the attorney will not be allowed to reveal anything which is communicated to him by his client. When the client is himself the witness, he may be compelled to give evidence as to anything said by him, whether to his own attorney or to any other person."

The above point is carefully handled by Mr. Taylor in his work on Evidence (see vol. ii. s. 845); and the law, as there stated, certainly does not appear to support the ruling of *Crowder*, J., as above reported. Mr. Taylor says, in effect, that though the rule against the disclosure of professional communication is not laid down in equally broad terms where the client himself is the party interrogated, yet that it is nevertheless established, that, in this event, all communications between the solicitor and client, whether pending and with reference to litigation, or made before litigation and with reference thereto, or made after the dispute between the parties, followed by litigation, though not in contemplation, or with reference to that litigation, are protected; as also are communications made respecting the subject matter in question, pending or in contemplation of litigation on the same subject with other persons, with the view of asserting the same right. Mr. Taylor, at the same time, notices with disapproval the doctrine established by the House of Lords in the case of *Radcliffe* v. *Fiusman* (2 Bro. P. C. 514), engrafting an exception on the general law as to this point, viz. that a client may be compelled to disclose what he has communicated to his legal adviser *before* any dispute has arisen between the client and his opponent.

Practice — Cases Stated by Magistrates — Amendment of.

The Yorkshire Tire and Axle Company, Appellants, The Rotherham Local Board of Health, Respondent, 4 C. B., N. S., 362.

This is a useful case as to the practice under 20 & 21 Vict. c. 43, the statute which allows an appeal from the determination of justices on a point of law. By sect. 7, the superior Court to which the case is sent for opinion, may cause the case to be sent back for amendment; and in the present instance an application with this object was made by counsel *before* the day of argument. It was insisted, however, on behalf of the respondents, that the application could not be entertained till the case had been argued, so that the Court might see whether or not any amendment was required, and *Christie*, app., *The Guardians of St. Luke*, resp. (27 L. G. M. C. 153) was relied on—the Court of Queen's Bench having there refused to entertain a motion similar to the present before argument. In the present case, however, the Court of Common Pleas intimated that there was nothing in the 7th section above referred to, or in the Act generally, to take away their ordinary jurisdiction as to amending special cases laid before them.

It is to be observed that the case of Christie's appeal above referred to does not, as reported in the *Law Journal* (sed vide "Oke's Magisterial Synopsis," 6 ed., p. 210), seem to be in point as to the proper time for making these motions. On the other hand, it appears to be established that the Court will not allow the points presented for their opinion in a special case, to be amended *at the time* of argument, the parties being bound by the terms to which they have consented (see per *Jervis*, C. J., *Hills* v. *Hunt*, 15 C. B. 30.)

Landlord and Tenant—Waiver of Forfeiture.

Dendy v. *Nicholls*, 4 C. B., N. S., 376.

In this case it is laid down by the Court of Common Pleas that a right of re-entry for breach of covenant in a lease is waived by the lessor's bringing an action for rent accruing subsequently to the breach, with knowledge of its existence. It had been already held by the Queen's Bench (and their judgment was supported in error by the House of Lords), that the *receipt* of rent operates to waive all forfeitures then known to the lessor (see *Croft* v. *Lumley*, 5 Ell. & Bl. 648; 6 H. of L. C. 672), and by the Court of Exchequer, that if an *ejectment* be brought by the lessor for a forfeiture the lease is not revived by the subsequent acceptance of rent. Upon the same principle as that on which these cases were determined—viz. that the deliberate election of his remedy on the part of the lessor cannot afterwards be retracted, the Court of Common Pleas came to their present decision. In the words of *Crowder*, J., "Having treated the defendant as his tenant by suing him for the rent, the plaintiff cannot afterwards change his mind, and elect to treat him as a trespasser"—or in those of *Byles*, J., "The plaintiff relies upon the lease for the purpose of enforcing payment of the rent, and now he says that during the same period it was mere waste paper. That clearly can never be permitted." (See Woodfall's "Landlord and Tenant," c. vii. s. 5.)

Practice—Grounds for postponing a Trial.

Wright v. *M'Guffie*, 4 C. B., N. S., 441.

In this case a rule was applied for calling on the plaintiff to show cause why the trial should not be postponed till the first sitting in the following term, on the ground of the absence of a material witness. It appeared, however, that shortly after the action had been commenced the defendant became aware that the witness in question was a material one for his defence, and that, instead of endeavouring to name him, he allowed him to proceed upon a long voyage, which would necessitate his absence for many months. The Court accordingly refused the application, observing that if any failure of justice should arise the defendant would have himself alone to blame for it. The costs of the rule, moreover, were directed to be plaintiff's costs in the cause.

Public Grant to Reformatories.—It appears from a Parliamentary return issued yesterday morning that from the 2nd of June, 1856, to the 31st of December, 1857, the committee of the Privy Council on Education made grants to 5,823 reformatories, the subscriptions and donations amounting in the whole to 52,541*l.* 19*s.* 10½*d.* Of the grants made by the committee 7,707*l.* 4*s.* was in respect of the 50*s.* capitation grant; 6,924*l.* 3*s.* 10*d.* in aid of teachers' salaries; 2,201*l.* 18*s.* in aid of rent; 6,362*l.* 3*s.* 10*d.* in aid of the purchase of tools, &c. The average amount of grants per pupil or inmate was 3*l.* 19*s.* 8*d.*

A New Spiritual Peer.—By the death of the Bishop of Bangor, the Hon. and Right Rev. Dr. J. T. Pelham, Bishop of Norwich, succeeds to a seat in the House of Lords. The new Bishop of Bangor will not have a seat in the Legislature until the avoidance of a bishopric other than those of Canterbury, York, London, Durham, and Winchester. The arrangement is in accordance with the provisions of the Act constituting the see of Manchester.

Parliament and Legislation.

The following Bills received the Royal assent last session.

PUBLIC.

Consolidated Fund (£1,222,383 8s. 9d.) Bill.
Consolidated Fund (£11,000,000) Bill.
Mutiny Bill.
Marine Mutiny Bill.
Burial Places Bill.
Anniversary Days observance (Occasional Forms of Prayer) Bill.
Inclosure Bill.
County Courts Bill.
East India Loan Bill.
Oaths Act Amendment Bill.
Patents for Inventions (Munitions of War) Bill.
Common Rights, &c. (War Department) Bill.
Exchequer Bills (£13,277.400) Bill.
Consolidated Fund (Appropriation) Bill.
Manor Courts, &c. (Ireland) Bill.
Evidence by Commission Bill.
Medical Act (1858) Amendment Bill.
Indemnity Bill.
Nottingham Charities Bill.
Saint James Baldersby Marriages Validity Bill.
Convict Prisons Abroad Bill.
Recreation Grounds Bill.
Pauper Maintenance Act Continuance Bill.
Local Government Supplemental Bill.
Manslaughter Bill.
Public Offices Extension Bill.
Confirmation and Probate Act (1858) Amendment Bill.
Naval Medical Supplemental Fund Society Annuities, &c., Act Continuance Bill.
Remission of Penalties Bill.
Savings Banks (Ireland) Act Continuance Bill.
Affidavits by Commission, &c., Bill.
Superannuation Bill.
Combination of Workmen Bill.
Municipal Elections Bill.

LOCAL AND PERSONAL.

Ecton and Welton Exchange Bill.
Clifton's Name Bill.
Shepton Mallet Water Bill.
Swansea Vale Railway Bill.
Wimbledon and Dorking and Epsom and Leatherhead Railways Bill.
Kirkwall Harbour Bill.
Londonderry Bridge Bill.
Sunderland and South Shields Water Bill.
Weymouth and Melcombe Regis Markets and Pier Bill.
Glasgow Corporation Water Bill.
Findhorn Railway Bill.
Banff, Macduff, and Turriff Junction Railway Bill.
Formartine and Buchan Railway Bill.
Great Western and Brentford Railway Bill.
Whitehaven Harbour and Town Bill.
Falmouth Docks and Harbour Bill.
Norwich (City) Water Bill.
Glasgow Public Parks and Galleries of Art Bill.
Kingstown Water Bill.
York Improvement Bill.
Mersey Docks and Harbour Bill.
Poole Water Bill.
Travellers and Marine Assurance and Accidental Death Insurance Companies Amalgamation (No. 2) Bill.
Cork and Kinsale Junction Railway Bill.
Fishguard Harbour Improvement Bill.
People's Provident Assurance Society Bill.
Scarborough Gas Bill.
Standard Life Assurance Company Bill.
Tralee and Killarney Railway Bill.
Victoria (London) Docks Bill.
Commercial Docks Acts Amendment Bill.
Belfast and Londonderry Junction Railway Bill.
King's Lynn Waterworks, Markets, and Borough Improvement Bill.
Tavistock Markets, Streets, and Improvement Bill.
Leominster and Kington Railway Bill.
Great Northern Railway Bill.
East Suffolk Railway Bill.
Purdy's Disabilities Removal Bill.

PARLIAMENTARY PAPERS.

The following selected list of Parliamentary Papers issued during the session may be of some interest to the profession:—

General Committee of Elections—Mr. Speaker's Warrant.
Registration of Voters (Scotland)—Return.
Superintendent Registrar's—Return.
Episcopal and Capitular Property (Metropolis)—Return.
Ecclesiastical Commission (Ireland)—Annual Report.
Treasury Appointments—Minute.
College of Advocates (Doctors' Commons)—Return.
Sessions Clerks—Return.
Hocquard *v.* The Queen, ship *Newport*—Return.
Bankrupts Certificates—Return.
Metropolitan Police—Return.
East Indies (Judicial)—Return.
Weedon Inquiry—Royal Warrant.
Bankruptcy (Scotland)—Report of the Accountant.
Committee of Selection—1st, 2nd, and 3rd Reports.
Recommittal of Prisoners—Return.
Criminals (Scotland)—Return.
Landed Estates Court (Ireland)—Copy of Rules and Orders.
Lunatic Asylums (Ireland)—Return.
Lunatic Asylums (Ireland)—Copy of Letter.
Magistrates (County Palatine of Lancaster).
Police (Counties and Boroughs)—Reports of the Inspectors.
Superannuations—Copies of Order in Council and Treasury Minute.
Charity Trustees—Return.
Court of Divorce and Matrimonial Causes—Return.
Lunatics—Return.
Church Estates Commissioners—8th Report.
Ecclesiastical Commissioners for England,—11th Report.
Electors—Return.
Constituencies—Return.
Registered Electors (Marylebone)—Return.
Universities, Scotland—Report.
Landed Estates Court (Ireland)—Return.
Boundaries of Boroughs—Return.
Decimal Coinage—Report
Literary, &c., Institutions—Return.
Belfast Lunatic Asylum—Return.
Metropolitan Buildings Act—Return.
Expiring Laws—Report.
Weights and Measures—Letter.
Cities and Boroughs (Taxation)—Return.
Standing Orders for the Suspension of Private Bills.
Jews Act—Report from Committee.
Electoral Act (New South Wales)—Return.

Of Public Bills 118 were introduced, out of which number 35 obtained the Royal assent. The remainder were withdrawn at various periods of the session.

Of the Private Bills in Parliament at the time of dissolution there were 253, of which 37 only received the Royal assent. There were, therefore, 216 left in various stages, to be dealt with as their promoters thought proper. Out of this number 160 were made subject to the new Standing Orders, and, having complied with the proper forms, remain suspended till next session, when they will be taken up again at the stage at which they were suspended. The remaining 57, which are not registered, are consequently abandoned for the present, or, if renewed next session, will have to go through their several stages over again.

PRIVATE BILL LEGISLATION.

We quite agree with the *Times*, that "among the numerous inconveniences occasioned by the dissolution of Parliament, few are more serious than the compulsory interruption of the business pending before select committees." The writer thus states the damage done by a dissolution to Private Bill legislation:—"The delay imposed on all the undertakings which required the sanction of Parliament is not limited to the interval between the prorogation and the return of the writs; for, as soon as the impending dissolution was announced, it naturally became impossible to keep committees together. It was not to be expected that sitting members should stay quietly in London while disengaged intruders were taking advantage of their absence to steal away the hearts of their constituents. Within a week from the decisive vote on the Reform Bill, only one or two of the more conscientious committees were still found labouring to complete the work at which they had been surprised by the political crisis. The entire month of April having thus been lost for purposes of private business, the new Parliament will

not have completed the formalities of assembling until it is almost time to adjourn for the Whitsuntide holidays, and, in the probable contingency of a change of Ministry about the middle of June, no serious resumption of work will be effected before the end of the month. At least ten weeks of the most convenient time of the year will have been lost, and, in some instances, engineering operations will necessarily be postponed for an entire season. The adjournment of the preliminary arrangements for laying down the telegraph in the Red Sea illustrates, in a matter of public importance, an inconvenience which presses similarly on eighty or ninety private undertakings, involving a projected outlay of capital which may be reckoned by hundreds of thousands.

"The grievance of those who are professionally engaged in the conduct of private Bills may be contemplated with considerable equanimity. The work which is done in the summer, though it may interfere with previous arrangements, is as little likely to be gratuitously performed as if it had been completed in the spring. In the economy of litigation the incidence of expense on the client or employer is determined by an unerring law, and it is only where annoyances and impediments produce a denial of justice that all parties are equally injured by an increase in the expense of proceedings. The interruption of Parliamentary business will be really felt by capitalists, by companies, and by the projectors of local or municipal improvements. Branch railways, deviations, and extensions have in many instances been laid out in the hope that Parliamentary authority for the works would be obtained by the commencement of the summer. In the present uncertainty it is impossible even to take the preliminary steps which are necessary for obtaining possession of the land. The confusion which is introduced into all negotiations for raising the capital which may be required is at the present moment likely to create peculiar embarrassment. When a declaration of war may at any time produce a sudden rise in the value of money, prudent men find a serious difficulty in dealing with the loans and shares which are everywhere offered for investment. The disturbance of calculations affects docks, gasworks, and waterworks, as well as railways, and to the inconvenience inflicted on the various promoters must be added the corresponding loss and annoyance to their opponents. A few patriotic litigants might, perhaps, have been partially reconciled to their misfortune, if it had been the unavoidable result of some measure which was essential to the public interest, but there are few towns in which the erection of a gas retort or the abolition of a level crossing would not have been thought a full equivalent for the loss of two months' tenure of office by the present Ministry."

We have already given our readers in full the resolutions of the House of Lords respecting the status of interrupted private Bills in the new Parliament. The *Times* thus shortly states their effect:—

"The chairmen of committees have obtained the sanction of both Houses to the arrangements which were rendered necessary by the sudden suspension of business, and it may be hoped that the additional formalities, which are in themselves unavoidable, will involve little delay, and scarcely any expense. All Bills, public and private, are necessarily brought to an end with the termination of the Parliament before which they were pending; but Standing Orders have been passed for the purpose of restoring private Bills on proof of their exact identity with the position in which they stood when their progress was interrupted. The petition for the Bill, the first and second reading, the committal, and the report, will all be adopted without opposition, until the stage which had been reached before the dissolution is once more attained. In the House of Lords, when a committee has broken off in the midst of its labours, the same members may be easily reassembled. In the Commons it will be, in many instances, possible to secure the services of the former chairman. The annoyance to those concerned will thus be reduced to the smallest amount which is consistent with the forms of Parliament."

The proclamation for dissolving Parliament and the calling another was published in the *Gazette* of Friday, 22nd inst. Parliament stands prorogued to Thursday, the 5th of May, at which time the House is discharged from their meeting and attendance. New writs were forthwith to be issued in due form, and according to law, for calling a new Parliament, which are to be returnable on Tuesday, the 31st day of May.

THE CONFIRMATION AND PROBATE ACT.—An Act was passed on the day of the prorogation to amend the Confirmation and Probate Act of last year. All persons and corporations who, in reliance on any instrument purporting to be a confirmation granted under the Confirmation and Probate Act, 1858; and all persons and corporations who, in reliance upon any such instrument, sealed under the authority of the Act with the seal of the Principal Court of Probate in England, or of the Court of Probate in Dublin, &c., have made payment, or make or permit any payment on such confirmation, probate, or letters of administration, are to be indemnified and protected in so doing, notwithstanding any defect or circumstance whatsoever affecting the validity of such confirmation, probate, or letters of administration.

AFFIDAVITS BY COMMISSION.—Among the late Acts was one to enable the judges to appoint commissioners within ten miles of London, and in the Isle of Man and the Channel Islands, to administer oaths in common law, and to authorise the taking, in the country, of bail in error, and recognisances and bail on the revenue side of the Exchequer. By an Act of Charles II., commissions were granted by the judges to administer oaths in proceedings in the superior courts of common law, but such commissions were not granted to persons residing within ten miles of the city of London, except to the clerks of common law judges. The Act states that the convenience of suitors and witnesses or deponents would be much promoted, expense saved, and the business of the courts expedited and facilitated by authorising a certain number of attorneys of the courts practising in different parts of London and its neighbourhood, and other fit and proper persons, to administer oaths in proceedings in such courts. The judges are now empowered to appoint commissioners to administer oaths within ten miles of London, who are to be styled "London Commissioners to administer Oaths in Common Law," and to be paid 1*s.* 6*d.* for every oath administered by them. The judges are likewise empowered to appoint commissioners for the Isle of Man and the Channel Islands. All affidavits, &c., made are to be read and made use of as other documents. The provisions of 4 Will. & Mary, c. 4, as to bail in error and recognisances, are extended to the revenue side of the Exchequer by the present Act, in the following clause:—"Be it therefore further enacted, that the said recited Act and all and every provision therein contained, and also all commissions heretofore issued in pursuance thereof and now in force, shall apply and extend to and authorise the taking of bail in error and the recognisances of bail in error in all actions and suits commenced in either of the said courts (of common law), in like manner as in the case of special bail in actions and suits depending in either of the said courts, to all intents and purposes whatsoever; and the said Act, and all and every the provisions therein contained, and also all commissions heretofore issued in pursuance thereof under the seal of the Court of Exchequer, shall also apply and extend to and authorise the taking of all recognisances of every kind, and all bail, as well in error as otherwise, on the revenue side of the Court of Exchequer."

NEW ACT ON EVIDENCE BY COMMISSION.—An Act of Parliament has just been printed, to provide for taking evidence in suits and proceedings pending before tribunals in her Majesty's dominions in places out of the jurisdiction of such tribunals. The superior courts at Westminster and Dublin, the Court of Session in Scotland, and the supreme court in any colony or possession, and any judge of the courts, and the judges of a colony, &c., who may be appointed for the purpose, are to have authority under this Act. A meeting for the examination of witnesses out of the jurisdiction in relation to any suit pending before any tribunal in her Majesty's dominions may be ordered by any court or judge having authority under this Act. The expenses of witnesses are to be paid, and for false evidence the penalty of perjury. The witnesses may refuse to criminate themselves or to produce documents. The Lord Chancellor, with the assistance of the judges, is to make rules to carry out the provisions of the Act.

THE REMISSION OF PENALTIES.—By a recent Act of Parliament the law concerning the remission of penalties is amended. Hitherto, penalties under penal statutes made payable to parties other than the Crown could not be remitted or pardoned by the Crown, where no express provision was made for that purpose. It is now enacted that her Majesty (or, in Ireland, the Lord-Lieutenant) may remit the payment in whole or in part of penalties, although payable to parties other than the Crown.

THE NEW LAW RELATING TO MUNICIPAL ELECTIONS.—The last Act of the late Parliament (22 Vict. c. 35) was passed "to amend the law relating to municipal elections." The object of the Act is to divide boroughs into wards, the boundaries

of which are to be fixed and councillors elected. If two-thirds of the council of a borough shall agree to petition, and the council shall thereupon petition her Majesty for the division of such borough into wards, or for an alteration of the number and boundaries of the wards, her Majesty, by an order in council, may declare the number of wards into which such borough is to be divided. Notification of a petition is to be advertised in the London *Gazette* one month at least before the same is to be taken into consideration. The senior judge of the assize for the summer circuit next after the order in council has been made, is to appoint a barrister for the purpose of determining the boundaries of such wards, and apportioning the number of councillors of the borough among such wards. The barrister so to be appointed is empowered to set out the boundaries of wards, and the costs and expenses thereby occasioned are to be paid and discharged, and the barrister is to be remunerated at the rate of five guineas a-day he is employed over and above his travelling and other expenses, out of the borough fund. After the declaration of the first November election of councillors, after the division or alterations, all the councillors for the borough so divided, or for the wards so altered, are to go out of office, and are eligible to be re-elected, and in the first year after such election of councillors for the borough so divided those who go out of office are to be the councillors who were elected by the smallest number of votes at such election, and in the next year those who go out of office are to be the councillors who were elected by the next smallest number of votes at such election, the majority of the whole council always determining where the votes for any such persons have been equal, or when there was no poll, who are to go out of office. Notice of the election is to be given by the town clerk of a borough, and any person entitled to vote may nominate himself or other person. Nomination papers are to be provided, and directions are set forth to be observed at the elections. For personating a voter the offender may be committed to the House of Correction for a period of three months, with or without hard labour, and a like penalty may be imposed the forging nomination or voting papers. For bribery, which is defined in the manner described with respect to elections for members of Parliament, a party is to forfeit 40*s.*, to be recovered in a county court, and if convicted to be expunged from the list for six years. An appeal is given to the quarter sessions. All proceedings for pains and penalties are to be commenced within six months The Act to extend to all the municipal towns and boroughs, and to be cited as "the Municipal Corporation Act, 1859."

Pauper Maintenance Act.—On the 19th inst., an Act of Parliament received the Royal assent to continue the Act for charging the maintenance of certain paupers upon the union funds. The powers given by the 20 Vict. c. 18, for charging on the common fund of the union the costs of the relief and of the burial of certain poor persons described, and the costs of removing and maintaining certain pauper lunatics, are continued until the 30th of September, 1860, and to the end of the then next session of Parliament.

Manslaughter.— An Act of Parliament was passed in the late session, which received the Royal assent on Tuesday, to enable coroners in England to admit to bail persons charged with manslaughter. The Act provides that in every case in which a coroner's jury finds a verdict of manslaughter against any person, the coroner or deputy before whom the inquest was taken may accept bail with good and sufficient sureties for his appearance to take his trial, and thereupon the person, if in custody of any officer, or in gaol under a warrant of commitment by such coroner, is to be discharged. A recognisance is to be taken in the form set forth in the Act. Further, the Act provides that any time after all the depositions of witnesses have been taken, every person against whom any coroner's jury may have found a verdict of manslaughter is to be entitled to have from the persons having custody thereof copies of the depositions on which the verdict has been found on payment of a reasonable sum for the same, not exceeding the rate of 1½d. for every folio of 90 words. The Act is the 22nd of Victoria, cap. 33.

The Management of Convict Prisons Abroad.—An Act of Parliament was passed on the day of the prorogation for the government of the convict prisons in her Majesty's dominions abroad. Several Acts and parts of Acts are repealed, and it is provided that the governor of the colony in which a convict prison is situate shall, by virtue of his office, have, in respect of such prison or establishment, all the powers of the visiting justices of a county gaol in England, or of a director of convict prisons in England. The same powers may also be exercised by any officer or officers who may be appointed visitors by the governor of the colony, with the sanction of the Secretary of State. The Secretary of State may appoint (and at his pleasure remove) a chief officer of a convict prison, by the title of controller, or superintendent, and also a deputy controller or superintendent, a chaplain, a surgeon, and one or more assistant-chaplains, or assistant-surgeons; and the governor of the colony may suspend any of the officers so appointed until the pleasure of the Secretary of State be known. The Secretary of State may likewise appoint subordinate officers, with similar powers vested to remove them, or to authorise the governor to appoint such officers, and to remove them, whether appointed by the Secretary of State or by himself. The Secretary of State is empowered to make regulations as to the detention, removal, and discharge of prisoners; but no convict who is labouring under any active or dangerous distemper is to be discharged unless at his own desire. Penalties are to be imposed for the introduction of spirits into prisons, as also for the introduction of prohibited articles of food, and also for assaults on officers—for rescue, or promotion of a rescue, or for supplying means of escape. "Every term of penal servitude to which any convict is made liable under this Act, shall be a term to commence from the expiration of any unexpired term of transportation or penal servitude to which such convict may have been sentenced; or, if there be more than one such term, then from the expiration of the last such term." The offenders are to be tried according to the law of the colony, where the offences are not punishable by summary conviction, or of crimes which, if committed in England, would be deemed felonies. Annual returns are to be laid before Parliament, and half-yearly returns are to be made to the Secretary of State. The Act is to apply to the convict prisons at Bermuda and Gibraltar, and to any colony or place in her Majesty's dominions which may hereafter be appointed for the confinement of offenders and keeping of them to hard labour.

Consolidation of Statutes.—A writer in the *Times*, who appears to be wholly unaware of the history of Sir Fitzroy Kelly's boasted Criminal Bills, makes this pompous announcement about them:—"The present Government, through their law officers, have brought in Bills for consolidating the statute law of England and Ireland in the case of criminal writings, malicious injuries, coinage offences, personation, forgery, offences against the person, and larceny. As a matter of course, these Bills will have to be renewed on the assembling of the new Parliament at the end of May or the commencement of June."

The Main Liquor Law in British America.—A committee of the Canadian House of Assembly, which was appointed to inquire into this subject, has just published its report. The committee recommend that an Act be passed authorising and establishing the prohibitory system in all the municipalities in Upper Canada, wherein, in the month of July next, at a meeting of persons to vote for school trustees, held for the express purpose of considering the matter, the majority of persons present at such meeting shall not vote against its taking effect within the limits of the said municipality. What is the chance of these recommendations being carried out we cannot pretend to say. The Legislature of Nova Scotia, undeterred by the result of a similar experiment in the sister province, have passed a prohibitory liquor law in the most extraordinary manner ever yet devised by a representative assembly, whose functions, it is generally understood, are to legislate on behalf of the community. With a total disregard, however, of its dignity and its independence, the House of Assembly has only partially passed this prohibitory law; its ratification is to be decided by the public at the ensuing elections in consequence of the Reform Bill, when the votes will be taken at the hustings and by ballot. If the majority ratifies the law, it is to come into operation on the 1st of April, 1860.—*Canadian News.*

Validity of Marriages.—An Act of Parliament was rendered necessary in the late session (passed on the 19th inst.), to make certain marriages valid which had been performed in the church of St. James, Baldersby, in the county of York. It appears that the church was erected in or before 1857, and was duly consecrated for divine service, and marriages have been solemnised therein under the opinion that, according to the terms of the sentence of consecration, they could be lawfully solemnised. Such, however, seems not to be the case, and the Act was passed to declare the marriages to be as valid as if they had been solemnised in the parish church of Topcliffe. The ministers who solemnised the marriages are indemnified, and the registers of the marriages or copies are to be received in all courts of law and equity as evidence of such marriages in the same manner as registers of marriages in parish churches.

Communications, Correspondence, and Extracts.

LEGAL HONOURS.

To the Editor of The Solicitors' Journal & Weekly Reporter.

Sir,—I have read the several letters appearing in your journal on this subject for some weeks past, and the one from a "Solicitor and University Man," in your last week's number, seems the only one which takes a proper view of the subject.

Although there is no reason why those who have gained legal honours should not have certain initials affixed after their names in the *Law List*, yet I do not myself see what good would result, as the *Law List* is meant for, and is exclusively used by, solicitors.

Before any permanent distinction can be shown to a man who has gained legal honours a legal university must be established, and then, and not before, should the subject of legal honours, and the best means of carrying them out, be discussed. Let the first step be, therefore, for a legal university, and which I trust to see at no far distant period.

Till such a time as a legal university *is* established those who have gained, and those who will gain, legal honours, must be content to know that they passed a highly satisfactory examination, which they could not have done without diligent application, and having a good grounded knowledge of the law, for no amount of cramming would enable one to gain those legal honours, the reward only of the persevering and studious applicant.

The aim of an articled clerk should not merely be to pass the examination for which a month's hard study might do, but to obtain such a knowledge of the law as will stand to him in the struggles of his future career. Such is the aim of, Sir, your obedient servant,

An Articled Clerk.

To the Editor of The Solicitors' Journal & Weekly Reporter.

Sir,—If there really should exist, on the part of your correspondents, the hope or the desire of elevating the body of solicitors to an equality with the learned professions, it can *only* be accomplished by the adoption of a high standard of education.

Clergymen, with their slender means, are able to qualify at Oxford or Cambridge. And if the Incorporated Law Society will boldly place the education question upon a proper basis, then I believe the profession of solicitors will qualify themselves as highly as possible, and by that means take rank among the other professional classes, now so much above them.

Why are the parents of an articled clerk at the present time compelled, by certain obsolete rules of court, to devote five years of his life to pursuits little in advance of those of a clerk o a law stationer?

Why has Paterfamilias to lose so much money, as well as so much time, as the following items of expenditure amount to?

Premium	£315
Stamp Duty	80
Subsistence, at £130 per ann., for 5 years	650
Total	£1,045

The court fees on admission (for what are they exacted?) I have forgotten in my estimate.

In these days of law reform and general improvement, may I not ask, is it to be tolerated any longer that the return for all this outlay is only that the clerk has learned the duties of a law stationer, listless habits, and the avocations of an errand-boy? Cannot the rules of court and the Incorporated Law Society do Paterfamilias a little less injustice?

I venture to hope that the day is at hand when three years of the time now wasted, and three-fifths of the money uselessly levied upon the public, may be entirely devoted to educational pursuits. With such a preliminary discipline the studentship would be well inaugurated. Lectures and the examination test would follow. And I am satisfied that a solicitor so qualified would be a more capable practitioner, and none the less of the gentleman, than he would be if he had experienced all the beneficial results of five years exclusively passed in a lawyer's chambers.

I humbly think, sir, there is much room for improvement; and that if the poor clergyman can meet the requirements of the Church at Oxford and Cambridge, the lawyer, with so much greater means, ought not to lag so far, so very far behind.—I am, Sir, your obedient servant,

R. C.

LAWYERS IN CANADA.

The following communication has been received from a resident correspondent, whose opinions on so important a matter are worthy of all the attention which the subject demands:—

To the Editor of The Solicitors' Journal & Weekly Reporter.

Sir,—My attention has been drawn by a friend in England to some notices of Canadian law and lawyers, which appeared in the numbers of your *Journal* of January 8th and February 26th last, and as I am afraid the statements they contain may induce some of the English profession to think too favourably of the chance of success in Canada, I venture to trouble you with a word or two of information and experience gathered in that colony.

The status of barrister-at-law acquired in England will enable a man to be admitted at once to the Upper Canadian bar by a call of "ad eundem" and payment of fees, but to acquire the position of attorney and solicitor he must, in addition, be articled for five years to a Canadian attorney, unless he has taken a degree, or obtain it within three years, when he may be admitted at the end of three years' service.

An English attorney and solicitor under the recent Acts may be admitted an attorney and solicitor in Upper Canada upon serving a Canadian attorney under articles for a year, and advertising in the *Canada Gazette* two months notice of his intention to apply for admission and passing the examination of the Canadian Law Society, and conforming to sundry minor requisites. It is not essential either for a barrister to acquire the status of an attorney, or for an attorney to acquire that of a barrister, but it is usual to unite both qualifications, for the simple reason that the fees allowed to attorneys are so small, that it is scarcely possible for an attorney to live without some better remuneration than the attorney's fees. As a sample, I may say, that the ordinary charge for an "attendance" allowed by the Courts is 1*s.* 3*d.* currency, equal to 1*s.* sterling.

It was the practice, until the year 1858, for English attorneys to obtain special Acts of the Canadian Legislature to enable them to practise, the cost of which did not exceed £20; but that practice was put a stop to on the passing of the Provincial Acts of the 20 Vict. and 21 & 22 Vict., which now regulate the attorney portion of the profession.

It must be borne in mind that the business of the lawyer in Canada is in many points different from that of a respectable attorney or solicitor in England. Conveyancing, in the sense in which that term is used in England, can scarcely be said to exist as part of professional business, for anybody may practise it, and consequently the regularly educated lawyer has to enter into competition with the "agent," the storekeeper, the stationer, and, in fact, with all the world; and as there is very little appreciation at present of the mischiefs occasioned by ignorant conveyancers, the remuneration for this branch of business is very small, although undoubtedly the loose way in which it is conducted much tends to give employment for the courts. In the colonies, a rough and ready mode of business is more in vogue than in England; and a careful English practitioner will not be likely to find those qualities which are essential in the mother country, much appreciated in Canada. However, there is no doubt an opportunity for *young* men, not too much wedded to English modes of doing business, and if they possess certain abilities, to obtain a position here; but men whose habits are formed, and who have practised their profession in England, will find a difficulty in accommodating themselves to the very different state of the profession here, and most probably will feel entirely disgusted with it. I am confirmed in this view (which has not been formed hastily), by the course taken by the few English solicitors who have come out to this colony, and who have generally in the end taken to other employments than the law.

The class who will be most likely to better themselves by a transfer here are steady, clever managing clerks, who perhaps may possess sufficient means to carry them over the first year or two of their articles. Those used to copying and engrossing will be prized as clerks on that account, as the business of law stationer is of late introduction, and it is very much the practice for barristers, as well as their articled clerks, to fair copy and engross their own work. There are few, if any, clerks in lawyers' offices in Canada who are not under articles, and they come from all classes of the community—farmers, tradespeople, and others, and it is not usual for them to receive any remuneration—at all events the remuneration would be a matter depending much on special circumstances,—for instance, a clever engrossing or copying clerk might very possibly make arrangements for remuneration where a man of liberal education

might be able to obtain nothing. It may, however, be stated, with tolerable certainty, that none, either solicitor, or clerks, should come out unless they have the means of living for two or three years without salary or income.

As to the encouragement held out for young lawyers possessing some capital, the recommendation certainly seems as if it came from this side of the Atlantic, but as a friend I should say to the young lawyer he had better lock his capital up safely in England for a year or so, till his wits have had a little exercise with Yankee and Canadian speculators, otherwise he may pay dear for experience. In conclusion, I may add that the number of law students has vastly increased in consequence of the "hard times" now prevalent, but I will not say that should deter any lawyer of a good English education, for they are of every sort, old men and young, rich and poor, of all imaginable previous occupations, from the church, the navy, the counter, and the counting-house, and some are clever, well-educated men.—Your obedient servant, An Englishman.

Toronto, Canada West, March 29, 1859.

THE RECENT APPOINTMENT OF COUNTY COURT JUDGE.

(From the *Civil Service Gazette*.)

But one of the last, if not the least, legal appointments made by the Lord Chancellor has evoked another storm of reproach upon his learned head. As our readers are aware, the judgeship of the County Court Circuit No. 53, Bath and North Wilts, fell vacant about three weeks since by the death of Mr. Joseph Grace Smith. There was no lack of candidates for this much-desired and really desirable post. There were several members of the Western Circuit, there were numerous barristers of various standings and of divers degrees of practice; indeed, the difficulty of selection lay not so much in the want of able and willing candidates as in the superabundance of aspirants worthy of the place. Had the Lord Chancellor collected the learned gentlemen around him in a dark circle and chosen one according to the chance of blindman's-buff he could have hardly failed in picking out one suitable to fill the situation. But the Lord Chancellor is, as we have said, peculiarly unfortunate in his selections. He went out of the Western Circuit, and out of the Common Law Bar, and he restricted his choice to the junior members of the Chancery Bar, looking for a competent county court judge among young conveyancers and equity draftsmen, and of all the conveyancers and equity draftsmen within his reach selecting M. Camille Felix Desiré Caillard. The public and the legal profession are impertinently inquisitive about this fortunate youth with the happy French name. But it is easier to ask questions than to answer them satisfactorily. Most of those who ought to know, barristers and solicitors, declare roundly that they never heard of the gentleman before, and some go so far as to throw out doubts of the existence of any such mortal. Without believing for a moment that the Lord Chancellor would appoint any person to so important an office who was not fit to discharge its duties, we must confess that it appears passing strange to convert a young conveyancer and equity draftsman, by the stroke of an enchanter's wand, into the judge of a Court which deals exclusively in common law matters, from the jurisdiction of which questions of title are excepted, in which equity pleadings are unknown, and in which conveyancers are rarely seen.

THE PROCESS OF PASSING BILLS.

(From the *Civil Service Gazette*.)

The process of sending for the Commons and "passing the Bills" is a serious affair. Clerk No. 1, who has just deciphered the huge parchment, stands upon one side, and clerk No. 2 upon the opposite side of the table. Clerk No. 1 reads the title of the Bill, and makes at the same time a profound bow to the commissioners; and clerk No. 2 also bows precisely at the same moment, and precisely the same number of inches. No piece of mechanism could be more perfect in its movements than the two clerks. The name of the first Bill which was read was one granting to her Majesty a sum of £13,277,000. After the bowing to the commissioners is concluded, clerk No. 2 makes a half turn, and, throwing his head round in the direction of the Commons, says—with awful dignity, and painfully marked accent—"La Reine remercie ses loyal subjects, accepte leur benevolence, et ainsi le vent." Is there no descendant of some statesman who sat in the assembly of Thanes of the Britons, in the old Folkmote of Alfred, or in the Wittenagemote of the Heptarchy—no descendant of a Saxon churl, who will object to being thanked for his thirteen millions odd in the barbarous language of their Norman conquerors? Mr. Cox is below the bar, but the admirer of Wat Tyler is mute. There are Irish and Scotch members present, but they make no grievance of thus hearing, in the Parliament of the United Kingdom of Great Britain and Ireland, a form of words and language precisely similar to that used in the old Council of the Norman barons. We recommend this to the notice of members in search of a grievance. There are some fifty or sixty other public Bills read, which are passed by the same form of bowing; but in this case the form of incantation by which they are converted into Acts of Parliament is more brief, the words being simply "La Reine le veut;" and there is a Bill of a private character which is made law by the words, "Soit fait comme il est desiré."

The Provinces.

Boston.—William Henry Adams, Esq., of this town, the new Attorney-General for the Colony of Hong Kong, has ascended the social scale to his present position thus: compositor, reader, reporter, sub-editor, editor and newspaper proprietor, barrister, member of Parliament, Colonial Attorney-General. Here is an example under our own eyes of what a man, with moderate abilities, and a fair share of industry and energy, may accomplish in this much-abused aristocratic England of ours.—*Lincolnshire Times.*

Bristol.—*Cox* v. *Latham.*—This was an action, tried before Sir J. E. Wilmot, Bart., the judge, for the recovery of the sum of 1*l.* 1*s.*, and, though involving but a comparatively small amount, yet it raised a point of considerable importance. The plaintiff, a photographer, gave the defendant an order for a copper-plate, to be engraved in the resemblance of a bank-note, and bearing the following upon it:—"Bank of Photography, Northampton. 177,921. I promise to take the bearer on demand, for the sum of ten pence (frame, twopence), a correct photographic likeness, at my Rooms, 13, Bridge-street, Northampton. For the Governor and Family of the Bank of Photography, William Cox. The best and cheapest photographs, of every description." The plate was delivered to the plaintiff, who paid 25*s.* for it, and defendant subsequently engaged to strike off 3,000 copies upon receipt of 1*l.* 1*s.* This sum plaintiff forwarded, and the defendant afterwards wrote to him, stating that he had been cautioned by the Bank of England not to issue any of the "notes." The plaintiff had, therefore, brought this action for the recovery of the 1*l.* 1*s.* he had paid the defendant for the copies of the plate, he having broken his contract. The defendant admitted the agreement, but said that, as the Bank of England had intimated to him that he was rendering himself liable to a heavy penalty and to transportation, he refused to give up the "notes;" plaintiff had in the meantime paid a guinea for Mr. Saunders, manager of the Bank of England branch in this city, proved having cautioned Latham not to issue the "notes." The 11 Geo. 4 & 1 Will. 4, c. 60, s. 16, which Acts of Parliament were referred to, enacted that any person who should knowingly have in his possession any plate, wood, stone, or other material, bearing a resemblance of a bank-note, rendered himself liable to fourteen years' transportation. His Honour gave judgment for the defendant.

Sudden Death.—We regret to announce the sudden death of Francis Edwards, Esq. (solicitor, of the firm of Edwards & Nalder, of this town), which unexpected event took place at his residence, Cornwallis-crescent, on Sunday night. The deceased, respecting whose health nothing unusual had been observed, retired to rest on Sunday evening, the 17th inst., and on the following morning was found dead in his bed. Disease of the heart was the cause of this distressing bereavement.—*Bristol Mercury.*

Dudley.—*Magistrates* v. *Coroners.*—A man, named Jabez Fisher, has been committed for trial for manslaughter in causing the death of a collier, named Thomas Jones. The coroners' jury, having held an inquest on the body, have returned a verdict of "Accidental Death." Thus the man stands committed by one tribunal and acquitted by the other.

Leeds.—*Allowances to Prosecutors and Witnesses in Criminal Prosecutions.*—The following letter has been received from the Secretary of State, in reply to the memorial from the magistrates assembled at Pontefract sessions, respecting the inadequacy of the present scale of allowances to prosecutors and witnesses in criminal prosecutions:—

Whitehall, April 12, 1859.

Sir,—I am directed by Mr. Secretary Sotheron Estcourt to acknowledge the receipt of your letter of the 9th inst., enclosing a memorial from the West Riding magistrates assembled at Pontefract sessions on the 4th inst.,

regretting the inadequacy of the present scale of allowances to prosecutors and witnesses in criminal prosecutions; and I am to inform you that the representation of the magistrates will receive due consideration.—I am, Sir, your obedient servant, H. Waddington.

The Clerk of the Peace for the West Riding of Yorkshire, Wakefield.

We hope that a speedy revision of the scale of allowances will now take place.—*Leeds Mercury.*

Major-General Havelock, the younger and only surviving brother of the renowned Havelock, the deliverer of Lucknow, is a candidate for the governorship of the Leeds Borough Gaol.

Stafford.—*County Court.*—The Court for this town was held on Monday, the 18th inst., before Sir Walter B. Liddell, Bart. During the sitting his Honour suggested the desirability of professional gentlemen appearing robed, a procedure which would give greater dignity to the administration of justice, and enable him to discern between strangers and the gentlemen of the profession. The observations were well received by the legal gentlemen present, and it is not unlikely they will shortly adopt the suggestion of his Honour.

Wigan.—*Expenses of calling out the Military.*—At the Kirkdale Quarter Sessions, held on the 19th inst., for the despatch of general business, Mr. Acton submitted an account of 113*l.* 12*s.* 7½*d.*, being the expenses incurred by two of the justices in calling the military from Manchester during the late colliery riots at Wigan. Mr. S. Holme moved that a select committee be appointed to take the subject into consideration, and report to the next Quarter Sessions. The law-clerk read the 2nd section of the 41st Geo. 3, c. 78, which made it lawful for justices to grant extra expenses incurred in the execution of their respective duties in all cases of riots or tumults. Mr. Theakstone seconded the motion. Mr. Acton moved that the account, which had been approved by two justices, be allowed; they could consider the principle afterwards. Mr. Gilbert Henderson seconded the amendment. He urged that the justices should be promptly supported by that Court in the execution of their duty. The amendment was carried by eight to five.

Ireland.

THE LAWYERS AND THE GENERAL ELECTION.

A perusal of the election intelligence which from day to day appears in the journals leads to two conclusions—first, that there is more than common anxiety on the part of lawyers to get into Parliament; and, secondly, that constituencies exhibit a preference for candidates whose qualifications are of the territorial, or of the commercial, or, in truth, of any other but the legal kind. The first-mentioned fact is not very much to be wondered at, especially when it is remembered that the Parliamentary avenue to high promotion has been recently shown to be a shorter and easier one than the merely forensic path. But this position of affairs has attracted the attention of the constituencies as well as of expectant lawyers; and one of the latter class who issues an address to any body of electors to whom he is not exceedingly well known, is pretty sure to be charged with an intention of making them a mere stepping-stone to the bench, and to be, accordingly, neglected in favour of any other candidate who may happen to present himself.

On the whole, therefore, there is no reason to suppose that the profession will be more strongly represented in the new, than it was in the old Parliament; nor are any material changes to be anticipated. Beginning at the "first constituency of Ireland," as it likes to be called—that is, Dublin University—Attorney-General Whiteside need fear no opposition, nor need his non-professional colleague be more apprehensive—for the two or three lawyers who but recently issued addresses, are now profoundly silent on the subject. Dublin city will indeed witness a contested election; but the opposition candidate, Mr. Brady, the son of the ex-Chancellor, and himself a member of the bar, is believed to be leading a very forlorn hope. In Belfast, Sir H. Cairns will have a walk over. In Wexford county one of the late members, Mr. M'Mahon, of the English bar, will again be elected; but a vigorous, and probably a successful attack will be made on the second seat by Mr. George, Q.C., the present Solicitor-General for Ireland. In the little borough of New Ross, the opposition will be led by Mr. John Rea, the solicitor, of Belfast, whose name has been, of late, conspicuous in connection with the defence of the Phœnix prisoners. If returned to Parliament, Mr. Rea will assuredly prove one of the most loquacious and active of the new members. In Kilkenny county Serjeant Shee is engaged in prosecuting his canvass; but his opponent, a country gentleman, from Mayo, appears to be the favourite with both clergy and people. Carrickfergus, which hitherto returned a lawyer, will now do so no longer. An address was lately issued to the electors of Clare, by Mr. T. R. Henn, Q.C., but it was so badly received that no further demonstration from the same quarter will be made. In like manner Mr. Lane, Q.C., threatened to contest Tralee with Captain O'Connell, but speedily withdrew his pretensions, and has not since been heard of.

Limerick city, which until lately returned a learned serjeant now ignores the claims of the lawyers; and the contest will lie between two merchants and a cavalry officer. For the great county of Cork, Serjeant Deasy is now, as before, the favourite candidate, although for the second seat a close encounter is expected. For the representation of the narrow and corrupt constituency of Cashel, several candidates have offered, and among them Mr. H. G. Hughes, Q.C., formerly Solicitor-General, and Mr. C. H. Hemphill, of the Leinster Circuit; but a Mr. Lanigan, of local fame, appears to have a better chance than either of those learned gentlemen. Mr. J. T. Ball, Q.C., Mr. De Moleyns, Q.C., Mr. R. Longfield, and several other barristers, and Mr. H. O'Shea and Mr. T. Jameson, solicitors, have, in various other provincial boroughs, been put forward or named as probable candidates; but it is not believed that any one of them will actually be put in nomination when the time arrives. On the other hand, Mr. Butt, Q.C., is confident of re-election at Youghal, as is also Mr. Miller, Q.C., at Armagh, and Mr. Fitzgerald, Q.C., at Ennis. Meanwhile, throughout cities, boroughs, and counties, the solicitors are busily engaged in electioneering; and, whoever has reason to complain of the dissolution of Parliament, they have none.

APPOINTMENTS AND PROMOTIONS.

The Lord Chancellor has appointed R. Buchanan, Esq., to be clerk of the records in the Registrar's office, Court of Chancery. The Lord Chancellor has also appointed Mr. Robert Martley, eldest son of the late Judge Martley, to the junior clerkship in the Registrar's office, vacant in consequence of Mr. Buchanan's promotion.

The Attorney-General has nominated Mr. Shegog, of the North east Circuit, as Crown Prosecutor for the county of Louth, &c., in the place of Mr. W. C. Dobbs, Q.C., recently promoted to a judgeship in the Landed Estates Court.

Death of John D. Hyndman, Esq., City Coroner.—We regret having to announce the demise of this amiable and respected gentleman, which sad event took place this morning quite unexpectedly at his residence, No. 4, Eglinton-terrace, Wellington road. The deceased was in the act of shaving himself, when he became ill, and almost immediately expired. Mr. Hyndman held the office of city coroner for a number of years, and rendered himself much beloved by his amiability of character, his courtesy and kindness to the poor, as well as for the manner in which he discharged the duties of his office. Mr. Hyndman owned considerable property in the county Tipperary, and was regarded by his tenantry as an excellent landlord. Disease of the heart, under which Mr. Hyndman had been labouring for some time past, was the immediate cause of death.—*Freeman's Journal.*

Address to Edward Tickell, Esq., Q.C.—An address was presented last week to this estimable gentleman, signed by the majority of the leading men in the county Armagh, and presented by Colonel Caulfield, at the head of a deputation, in acknowledgment of his private worth and public services. Before the deputation left, the learned gentleman consented to sit for his bust, to be placed in the Court-house, in honour of his long judicial career and honourable, upright character.

The Crown Solicitorship of the North-east Circuit—The following account appears in the Dublin papers:—"We understand the Crown Solicitorship on the North-east Circuit is about to become vacant, by the resignation of Mr Hamilton. This gentleman has held the office for many years, and is now fairly entitled to a retiring allowance. We have heard the names of certain aspirants to the appointment, which is in the gift of the Irish Attorney-General, but it would be premature at present to give publicity to them.

Scotland.

THE SOLICITOR-GENERALSHIP.

This office, vacant by Mr. David Muir having succeeded Mr. Charles Baillie as Lord Advocate, has been filled up by the appointment of Mr. George Patten, an arrangement to which no objection is likely to be made, on the contrary, the feeling is that, all things considered, Mr. Patten's elevation to a Crown office might have been expected sooner, and must be held to have come somewhat after his "turn," as fixed by professional position.—*Scotsman.*

Reviews.

A Treatise on the Election of Representatives, Parliamentary and Municipal. By Thomas Hare, Esq., Barrister-at-Law. London: Longmans.

We are scarcely wandering beyond our customary province in selecting for review a work upon representation, which deals with the constitutional question of the day in a spirit at once legal and philosophical. There is an originality about Mr. Hare's scheme of reform which will startle most speculators on the subject, but it is combined with an appreciation of sound principles, and a mastery of practical details, which will win for it a thoughtful consideration even from those who, like ourselves, are unable to accept it as a possible solution of the difficulty which the new Parliament will be called upon to dispose of. The great defects which Mr. Hare discerns in the existing system of Parliamentary representation will not be denied by the most determined sticklers for the simple, though clumsy contrivances by which the country gets itself represented, or misrepresented, as it may happen, in the great council of the nation. First among the complaints which our author urges against the present machinery for the manufacture of a Parliament is the extinction of the voice of minorities, which Lord John Russell endeavoured to a slight extent to remedy by his Bill of 1854. Somewhere about two-fifths of the electoral power of the country is spent upon candidates who are not returned, and the House of Commons can only be considered to represent about 750,000 out of a total number of 1,250,000 electors. The borough of Finsbury, for example, which includes in its constituency a very large number of men of high legal and general education, ordinarily returns members, of whom we will say nothing worse than that they are not the choice of the most capable class of the constituency. In a vast number of other boroughs large minorities are silenced as effectually as Lincoln's-inn is silenced by the districts with which it is for electoral purposes associated. And to a greater or less extent the same evil is felt, and must be felt in every county or borough where an outnumbered class is left without influence in the choice of the member who is supposed to represent them. Lord John Russell's remedy for this acknowledged evil was, as Mr. Hare points out, very partial in its scope. It extended only to those constituencies where as many as three members were returned. Even this rough attempt to secure to minorities an instalment of their rights was thought too refined by legislators who have a great horror of being betrayed into a philosophical treatment of a practical subject. Lord John himself seems to have abandoned his old idea, and to have accepted, as an inevitable necessity, that tyranny of majorities which he once denounced. We shall presently explain how Mr. Hare proposes to redress absolutely and entirely the wrongs which outvoted voters are now compelled to endure. But before we notice the new scheme we must mention another imperfection of the present system which it is designed to correct. Mr. Hare's leading principle is to re-establish the sense of personal responsibility in voting, and to give effect to every shade of individual opinion. All the necessary machinery of candidature from the first working of the little clique who practically select the individual candidate, down to the arts of canvassing, the science of agency, and the more flagrant influences of bribery and intimidation, are sketched with as much force as truth. The moral of the story is, that the mass of electors are almost helpless in the hands of party agents, and more often than not are compelled to vote for a man whom they do not admire, in order to exclude another, to whom they positively object. The triumphant candidate is not even the choice of the majority who return him; and, with the exception of the few moving spirits who pull the wires, scarcely any one is able to say that he is represented by the member whom he would individually have selected. This, like the extinction of the votes of minorities, is commonly regarded as an inevitable accident of any representative system. The object of Mr. Hare's book is to show that it is practicable to devise machinery by which both of these admitted evils may be entirely remedied, and that Parliament may be made to represent every variety of political opinion, in the exact proportion in which it prevails in the community at large. Certainly, no such representation exists at present. To take one important class as an example, there must be scattered throughout the country a very large number of persons who approach politics as a science, and bring to bear upon it dispassionate and philosophical views, which are not represented by any one of the 654 sages who are supposed to embody the wisdom of the nation. From the necessity of the case, electors of this high class must find themselves swamped in the overwhelming numbers of the constituency to which they belong, although, if they could be gathered into one electoral body, their numbers might entitle them to many representatives, who might prove an invaluable addition to the ranks of the House of Commons.

Pursuing this train of thought, Mr. Hare arrives at the inevitable conclusion, that the tyranny of majorities, and the suppression of so much valuable individual opinion, is attributable entirely to what he terms the geographical principle of the system of representation which has prevailed from time immemorial. If a man is compelled to exercise his suffrage in association with the persons who live in the same borough or in the same county, he cannot escape political annihilation if the bulk of his neighbours entertain opinions contrary to his own. But if each elector were enabled to record his vote in association with like-minded persons throughout the kingdom, the consent of an adequate number of scattered minorities might suffice to return a member who would represent the genuine opinions of those who are now practically deprived of their suffrage by the accident of their local habitation.

This is Mr. Hare's principle, though, as we shall shortly explain, he does not carry it out to its utmost logical extent. Had he done so, his plan would have resolved itself into this—Let every voter in the country make out a list from among all the candidates who have announced themselves, setting down the names of as many as he pleases in the order of his preference for them. As these voting papers come in, let each vote be recorded in favour of the candidate placed at the top of the list, until that candidate has gained a certain prescribed number of votes previously fixed upon as sufficient to return a member. When any candidate has thus secured his return, let his name be erased from all future voting papers which may be sent in, and let those votes be carried to the credit of the candidate who (after such erasure) shall stand highest in the paper. Let this process be continued by erasing the names of one candidate after another as fast as they may attain the prescribed number of votes. By this machinery, every man's vote would be recorded once, and once only. So long as the voter's first candidate required any votes to make up his quota the vote would be recorded for him. But if a paper was sent in, giving the first place to a candidate already returned, the vote would go to the candidate placed second in the list, unless his return also was already secured; and so in every case the vote of each elector would be ascribed to the candidate highest in his list, who had not already secured his return. But how would the number of votes essential to return a member be fixed? Mr. Hare solves this difficulty by a simple arithmetical process. Divide the total number of registered electors by 654, and the quotient will be the number of votes required to make a member. On this plan, since each vote is to be recorded once only, it will be impossible that more than 654 members should be returned, although the number might be somewhat less, by reason of some electors not voting at all, and others wasting their votes in an ineffectual manner.

We cannot enter into all the ingenious details of Mr. Hare's project of reform; but it will be easily seen that the general scheme we have described would really give equal influence to every voter in the kingdom, and would secure the return of every man who could collect from all parts of the country $\frac{1}{654}$th part of the total number of votes—which, according to Mr. Hare's calculations, would now be about 1840 votes. The consequence of such a plan as this would be, that each member would simply represent the necessary quota of electors who might be scattered about the country, from John o' Groat's to the Land's End. There would be no members for London or Middlesex, or the West Riding or Calne, or any other district, but every member of Parliament would represent an undivided $\frac{1}{654}$th part of the people, without any territorial association with a particular constituency. We have expounded this broad scheme, both because it is the natural result of Mr. Hare's

principles, and because it exhibits them in a less complicated form than that into which they are sublimed in the actual treatise. But we must be careful not to do injustice to our author, and therefore we ought to explain that he does not split with the geographical principle so absolutely as the sketch above given might lead our readers to suppose. Without attempting in the limited space at our disposal to explain the exact compromise which Mr. Hare adopts, it will be sufficient to say that he engrafts upon the general plan we have described, a mode of counting first the votes given to a candidate in the constituency for which he especially proposes himself, and, adding to them if necessary the stray votes given in his favour from the rest of the country. In this way, for example, Mr. Lowe might still be called member for Kidderminster, although he might only obtain 200 votes in that select borough, provided he could make up his quota of 1840 votes from his admirers in Liverpool or elsewhere; and Lord Stanley might be beaten in the city and yet have gained more than enough votes to seat him nominally for some other borough for which he was a candidate. Nay, a possible case might arise where a candidate would have polled the requisite quota of votes, and yet be beaten by others in every individual constituency for which he stood. Mr. Hare provides for this case by empowering the House of Commons to declare such a candidate a member of the House without any local designation. The very necessity of dealing with such a case as exceptional shows where the scheme of Mr. Hare really halts. It would be absolutely successful in preventing individual opinion from being swamped, as it now is, and in securing a real representation of every section of the community. But it cannot be reconciled with the notion of a local distribution of seats, and the ingenious arrangements by which Mr. Hare seeks to retain the semblance of geographical representation, while he repudiates the principle altogether, only prove that a plan which would give us a much better Parliament than we can look for on the existing system is hopeless as a practical scheme in the author's own estimation. His concession to the idea, that each member ought to represent a particular place, is an admission of a feeling—perhaps he would call it a prejudice—in favour of local representation too strong to be set at nought. This topographical theory will no more mingle with the loftier principle of equal representation of individual opinion than oil will mix with water. Mr. Hare's plan is an attempt to combine the two hostile principles, but it does it by making the locality of each seat more nominal than real. The simplicity of the new theory is marred by a compromise, which at the same time yields too little to conciliate traditional and local feelings, which even Mr. Hare does not venture altogether to despise. But, though we are compelled to believe that the project could not be entertained as a practical scheme for England in the nineteenth century, we must acknowledge that Mr. Hare has exposed, with admirable skill, the worst blots of our electoral system; and that, if people could only be got to reconcile themselves to members who represented every one in general, and no one in particular, the anti-geographical scheme would give us what, we fear, we shall not obtain in any other way—an assembly which would really be a perfect mirror of public opinion.

The Election Statutes and Corrupt Practices Act. Edited by WILLIAM HENRY COOKE, Esq., M.A., Barrister-at-Law. London: Murray. 1859.

This little work contains all the existing statutes relating to elections, from the time of Henry VI. downwards. The "editing" is wholly confined to the citation of about a dozen authorities, and two or three references to repealing enactments, unless indeed we ought to include under the same head a very meagre index, which is appended to the statutes.

STATISTICS OF SUICIDE.—An appendage to the Registrar-General's mortality report is published this month in the "Journal of Psychological Medicine." It contains a curious series of calculations, deduced from the observations of many years, with reference to suicide. The tendency of persons to commit suicide, according to their age, is very remarkable, and the light which is thrown on this branch of the subject is, perhaps, the most valuable part of the report. The average yearly number of suicides (whether attempts at suicide are included is not stated, but, from the figures, it would seem likely), is something over a thousand—or, more accurately, 5,415 in five years, those from 1852 to 1856 being the years observed. Of this number 3,886 were males, and 1,529 females. No suicides appear to have been committed by persons under 10 years of age, and between this age and 15 instances are first observed. The tendency to self-destruction then steadily increases until about the age of 55, at which time the tendency is at the maximum, but after this period steadily declines as old age advances. The tendency in females is greater at a more advanced period of life, and from 65 to 75 appears to be greatest. With reference to the modes of suicide most in favour some very surprising facts are brought to light, none more so than that of all deaths hanging is the means most frequently adopted. In a period during which all the other means of destroying life had been resorted to by 2,008 persons, 3,212 had killed themselves by hanging. The 2,008 deaths were mostly produced by mechanical injury of some kind, 1,424 being the number of suicides in this class, and only 561, strange to say, were produced by chemical agency; 18 were owing to precipitation down a mine, and 10 were committed on railroads. Hanging is, as we have said, the favourite plan of both sexes; but the other modes of death are adopted by males and females with different degrees of frequency. With males, the order is as follows: hanging, throat-cutting, drowning, poisoning; while with females, it is hanging, drowning, poisoning, and cutting throats. Women, too, use a greater variety of poisons than men, opium being generally preferred, arsenic and oxalic acid coming next; in all, seventeen forms of poison are resorted to by women, ten by men. The paper in the "Journal of Psychological Medicine" contains, in addition to the information from which the above facts are extracted, much relating to the suicides in foreign countries which possess considerable interest, and the whole is well worth the study of all interested in the phenomena of human conduct.

CURIOUS INHERITANCE.—A singular case of an English family resident in England being about to succeed to a landed estate in Normandy, has recently occurred. By the French law, when a man dies intestate, without children or brothers or sisters, his property is subject to his widow's life interest, divided equally between his paternal and maternal relations in the ascending line. A M. Moissard died a short time ago in this condition, at Orbec, in the Department of Calvados, in Normandy, leaving an estate of the value of some eight or ten thousand pounds sterling. An English lady, Mrs. Lesage, and her son and daughter, resident at Ramsbury, in Wilts, are, on inquiry, found to be M. Moissard's nearest maternal relatives. This relationship arises through Mrs. Lesage's late husband, a M. Lesage, who came a refugee to England during the Reign of Terror, and settling down as an English subject passed the remainder of his life at Ramsbury as a schoolmaster, much respected, and died fifteen years since. His widow, to her agreeable surprise, lately received from France the news of this unexpected windfall. Matters of this sort, however, are seldom permitted to run smoothly, especially in litigious Normandy. Some parties have made a legal opposition to Mrs. Lesage's claim, and her case was heard recently in the Civil Tribunal at Lisieux, and the judgment will no doubt be shortly pronounced in her favour. Mr. Peter Burke, of the English bar, instructed by Mrs. Lesage's London solicitors, attended the court at Lisieux, during the trial, to assist her French counsel in any points of English law that might arise. Three Norman advocates of distinction were engaged in the case.—*French Paper.*

NEW ACT ON PUBLIC OFFICES.—On the 19th inst. an Act was passed (22 Vict. c. 19) "to make further provision for enabling the Commissioners of her Majesty's Works to acquire a site for additional offices for the public service near Whitehall and her Majesty's palace at Westminster." Under "the Downing-street Public Offices Extension Act, 1855," the commissioners acquired a site, and with a view to further facilitate the despatch of public business, it is declared to be expedient that several of the principal offices in which business is now carried on should be concentrated, and that a site of adequate extent and conveniently situate for the erection of public offices thereon should be provided, and that certain land of her Majesty and of her Majesty's subjects situate near Whitehall and the Palace at Westminster described in the schedule annexed to the Act should be acquired and appropriated by the Commissioners of Works and Buildings, called "the Commissioners" for the purpose according to the map prepared. The commissioners are incorporated and are to carry the Act into execution. The lands purchased by the commissioners are to vest in them for the public service. The map or plan when issued by the Commissioners of the Treasury, is to be deposited at the office of the Commissioners of Works, and to be open for inspection to all persons on payment of 1s. for every such inspection. The property is set forth in the

schedule, and is situate in Upper Crown-street, Lower Crown-street, Crown-court, Charles-street, Duke-street, and King-street, the houses in which are occupied, and the names of the tenants and owners are given. The "ways" required for the purposes of the Act belong to the Crown, and are described as the steps and way of St. James's Park, with the gravel-road and enclosed lawn. The commissioners are empowered to stop up ways and streets, and to raise or lower streets, with power to take land. No land is to be taken without consent, unless mentioned in the schedule, but premises may be taken notwithstanding errors in the same. The commissioners, their surveyors, &c., are to enter upon land for surveying and valuing the same. All compulsory purchases must be made by the commissioners within three years from the passing of this Act. All parties are authorised as trustees, &c., to sell and convey. Satisfaction is to be made and accepted on or before the expiration of a month after notice from the commissioners; the parties are to deliver in a claim, and if they refuse to treat, or do not agree, then a jury is to be summoned to assess the amount of compensation to be awarded. There are various provisions as to the manner in which land is to be obtained. As to disputes not exceeding £50, two or more justices of the peace are to settle the matter. The commissioners are not to take possession until the purchase-money is tendered or paid; and in the event of refusal, or otherwise, the money is to be paid into the Bank of England, on which they can take possession. There are several clauses respecting defective titles, and other contingencies, and the Court of Chancery can be applied to on the subject. Tenants at will are to quit on six months' notice, and, if required, before their term expires to have compensation. On parties not agreeing to the compensation to be awarded, the point in dispute may be referred to arbitration to fix the price. The commissioners are to make good to the parishes of St. Margaret and St. John the Evangelist any deficiencies in the amount of the rate in regard to the property they require. The deeds necessary to convey the property are not to be liable to stamp duty, and are to be enrolled in the Court of Exchequer. Among the fifty-nine sections in the statute, provision has been made to meet the questions likely to arise. The new law is to be cited as "The Public Offices Extension Act, 1859."

Trial of Senator Sickles for the Murder of Mr. Key, at Washington.—The trial of Sickles commenced on the 4th, before Judge Crawford, but it was not until the 6th that a full jury (out of 170 persons summoned) was obtained. The majority of those disqualified expressed sympathy for the prisoner. On the 7th, before the commencement of the proceedings, the following conversation took place:—The Judge: "After the jurors were dismissed yesterday, one of the eleven came up to the bench and asked if he 'could say a word to me.' I told him 'No, not about this case.' However, he went on to say, 'I answered the question put to me, but since I have been sworn and been in the jury-box I have been reflecting on this thing. I am not quite satisfied with myself.' On which I said, 'I cannot relieve you.' Turning round, he went off. I think it right to mention this publicly, in case counsel may think proper to move about it. So little impression did the man's appearance make on me, that I cannot recognise him now, but he is one of the eleven." Mr. More, the juror, standing up, said: "I was impressed with the responsibility that rested on me, and felt a kind of shrinking from the duty." Judge: "I hope you were." Juror: "It made me feel unpleasant; but this morning I can say to the court that I feel perfectly satisfied in my own mind.' Judge: "Very well, I am glad to hear it; it was the duty of the Court to state this." Juror: "I am very glad I have this privilege of making explanations." Mr. Ould then opened the case for the prosecution, which occupied about forty minutes, after which witnesses were examined. The case for the prosecution closed on the 8th. An effort was made, on the part of the defence, to compel the district-attorney to call Mr. Butterworth, Mr. Wooldridge, and the Hon. Robert J. Walker, but he refused, and he was sustained in his refusal by Judge Crawford. The grounds on which the judge based his decision were, the personal friendship of Mr. Butterworth for the accused, and the fact that Messrs. Walker and Wooldridge were not actual witnesses of the act of killing. On the 9th, the counsel for the defence opened his case, which he concluded on the following day, and the examination of witnesses commenced. On the 12th, as a friend of Sickles was giving his testimony he was so overcome that he had to leave the court. Mrs. Sickles's confession of guilt was put in as evidence. She states that the criminal intimacy with Key commenced in April. The Washington correspondent of the *New York Times* gives a sketch of Judge Crawford:—"As for Judge Crawford, before whom the case is heard, he seems to have so far agreeably disappointed the expectations of the defence. Except in the matter of cooping up the prisoner, his decisions have been marked by firmness and impartiality. He is evidently an old gentleman of strictly routine habits, which he displays most satisfactorily in adjourning regularly at three o'clock. His great age, extended apparently beyond the threescore years and ten, has not dulled his reason or impaired his faculties. On the contrary, he observes the case and recalls the evidence with as much acuteness and clearness as any of the counsel at the bar."

The Great Westminster Clock.—If it were not that we have so often been told so, and have so often been disappointed, we should really believe that there was some prospect of seeing the great clock at Westminster positively going before any very distant date. The ground we have for this belief is, that the works of the clock, or at any rate some of them, have been taken to Westminster, where Mr. Dent's workmen are beginning to put them together. Among the minor difficulties which are still looming in the future, is that of winding up the monstrous piece of machinery. To wind it by hand labour is almost out of the question. It will require winding once in three days, and takes 11,500 revolutions of the handle to wind it completely. Supposing two men to be able at such labour to work continuously, and make 800 revolutions of the handle per hour, it would require 14½ hours of such exertion every third day. Of course Mr. Denison will devise some contrivance which will obviate this difficulty, and he can scarcely find a better one than has already been worked out by Mr. James and the indefatigable clerk of the works at the new Houses, Mr. Quarm. By the plan of these gentlemen the clock is made self-winding. When the weights have descended a certain length, they open a valve communicating with a column of water from the top of the tower. This water is let into a cylinder with a piston of six feet stroke, which, by the weight of the water, is forced up with the clock weights to its full height. As often as the clock strikes, this hydraulic winder acts with the expenditure of a very small quantity of water. Of course, when the piston is out to its full stroke, the valve communicating with the column of water is shut off, and the piston descends till the weights again reach the level at which they require winding. The number of gas jets to illuminate each dial has been reduced to 38, making 152 burners for all. These, as we have before stated, are so connected with the mechanism of the clock as to be gradually burnt down with the approach of dawn each morning, and burnt in full again as the sun sinks. All the additional supports which were required for the bell framework have been adjusted, and the frame of Big Ben and his satellites is now as rigid as the tower itself.—*Globe.* A few days before the prorogation of Parliament, Mr. Hankey moved for a return of the time when the Westminster clock would be actually going, and some particulars of its history. Some information has, in consequence, been extracted from Lord John Manners, who to-day issues a Parliamentary paper on the subject. According to a report from Mr. Denison, the clock will be going before the new Parliament meets, as the clock is now at the palace, ready to be fixed as soon as the plasterers and bricklayers shall have done their work. The total cost of the clock up to the present time has been £20,307, and it is estimated that a further sum of £1,750 will be required before the work is complete. The cost of the clock itself and the dials has been £8,279, and the bells £5,966.

Court Papers.

Queen's Bench.

NEW CASES.—Easter Term, 1859.

NEW TRIAL PAPER.

Middlesex.	Nalder *v.* Clayton and Another.
"	Clark *v.* M'Gaw.
"	Betts *v.* Menzies.
London.	Wills *v.* Cattling.
"	Hancock *v.* Somes.
Essex.	Ralph *v.* Barton.
"	Bircham, sen., and Others *v.* Walker.
"	The Queen *v.* Collier and Others.
Sussex.	Carter *v.* Poole.
Surrey.	Costar *v.* Hetherington.
"	Brazier *v.* Polytechnic Institution.
"	Potter *v.* Coomber.
"	Martin *v.* The Travellers and Marine Insurance Co.
Oxford.	Cole and Others *v.* Heyden and Others.
"	Ayre *v.* Ringrove.
Stafford.	The Queen *v.* Burslem Local Board of Health.

Gloucester.	Ward and Another *v.* Lownds, clerk, &c.
Bristol.	Platt and Another *v.* Hare, Knt.
Northumberland.	Waters *v.* Bulmer.
York.	Lord Foley and Another, executor and executrix, &c., *v.* Singleton.
Liverpool.	Macdonald *v.* Longbottom.
"	Francis, jun., *v.* Hawksley.
"	Rawstron and Others *v.* The Lancashire and Yorkshire Railway Company.
"	Macnee and Others *v.* Nimmo.
Chester.	Bott *v.* Akroyd and Another.
Liverpool.	Bracegirdle *v.* Daley.

SPECIAL PAPER.

Dem.	Goode *v.* The South Wales Railway Company.
"	Puzey and Another *v.* Morton.
"	Fray *v.* Voules.
"	Roper *v.* Lendon, secretary, &c.
"	Ward and Another *v.* Lownds, clerk, &c.
Co. Ct. Appeal.	Roubiot *v.* Boutell.
Dem.	Cunard *v.* Hyde.
Sp. Case.	Martin and Wife *v.* Cave and Others.
"	Biddulph *v.* Lord Camoys and Others.
Dem.	Flight *v.* Provis.
"	Platt and Another *v.* Hare, Knt.
"	Rennie and Others *v.* The Peninsular and Oriental Steam Navigation Company.
"	Brown and Others *v.* The Royal Insurance Company.

CROWN PAPER.

W. R., Yorks.	The Queen *v.* The Inhabitants of Heaton.
Staffordshire.	Henry Caswell, Appellant; George Morgan, Respondent.
Lancashire.	The Queen *v.* The Bury Improvement Commissioners.
Northampton.	The Queen *v.* The Inhabitants of St. Sepulchre.
Cumberland.	The Queen *v.* C. Skelton.

Common Pleas.

NEW TRIALS MOVED.—HILARY TERM, 1859.

Middlesex.	Hornblow *v.* Varicas.
London.	Rowland *v.* Lazarus.
"	Hemming *v.* Hale and Another.
York.	Holt and Others, executors, &c., *v.* Mason and Another.
Liverpool.	Cazenove and Another, assignees, &c., *v.* The British Equitable Assurance Company.
"	Baines and Another *v.* Woodfall.
Lancaster.	Walmsley and Another *v.* Milne.
Leicester.	Holmes, clerk, *v.* Bellingham.
Surrey.	Blaikie and Others *v.* Steinbridge.
"	Falle *v.* Ruck.
Sussex.	Stevens *v.* Gourley.
Carnarvon.	Symmonds and Another *v.* Lloyd.

The New Trial Paper will not be proceeded with during the next week, but the Special Paper will be taken on Wednesday, the 27th inst., and two following days.

DEMURRER PAPER.

Dem.	Hutton *v.* Kean.
"	Barber *v.* Lesiter.
Case from Justs.	In the matter of Joseph Sewell.
Dem.	Steward *v.* Gromett.

Exchequer of Pleas.

NEW CASES.—EASTER TERM, 1859.

Error.	The Bristol and Exeter Railway Company *v.* Garton and Another.
"	Gilbertson *v.* Richards and Others.

NEW TRIAL PAPER.

Middlesex.	Richards *v.* Johnston.
"	Price *v.* Worwood.
London.	Bedford *v.* Bagshaw.
"	Same *v.* Same.
"	Carter *v.* Crick.
"	Langton *v.* Higgins.
"	Withers *v.* Parker and Another.
"	Hunt *v.* Edmonds.
"	Solomon *v.* The Vintners' Company.
"	Roles *v.* Davis.
Norwich.	Clark and Others *v.* Pain and Another.
Maidstone.	Betts *v.* Burch.
Kingston.	Alexander *v.* Worman.
Winchester.	Howe *v.* Scarrott.
"	Sharp *v.* Scarrott.
"	Slatterie *v.* Moody.
Exeter.	Harding and Others *v.* Edgcombe, Clerk.
Taunton.	Tidball *v.* James.
Gloucester.	Allaway and Another *v.* Wagstaff.
Northampton.	Harrison *v.* Hyde.
Leicester.	Burnaby *v.* Barsby.
Warwick.	Hickman *v.* Machin.
Cumberland.	Birkett *v.* The Whitehaven Junction Railway Company.
Northumberld.	Black *v.* Elliot.
York.	The Metropolitan Counties and General Life Assurance Loan and Investment Society *v.* Brown.
"	Liversidge *v.* Broadbelt.
Liverpool.	Duckworth, Administrator, &c., *v.* Johnson.
"	Lindsay and Others *v.* Janson.
"	Hampshire *v.* The Medical, Invalid, and General Life Assurance Society.

SPECIAL PAPER.

Dem.	Mounsey *v.* Ford and Another.
"	Hely *v.* Waring.
"	Day *v.* Head.
"	Streater and Wife, Executrix, *v.* Friswell.
"	Kidd *v.* Fowler and Others.
Dem.	Atkinson and Another *v.* Kitchin.
Sp. Case by Order of Nisi Pri.	Hickes and Another *v.* Bodiconachi.
Dem.	Cairns *v.* Murphy.
"	Tancred *v.* Allgood.
Sp. Case.	Sturgis, Assignee, &c., *v.* Davell, Administrator, &c.
Dem.	Parker *v.* Ince.

Exchequer Chamber.

SITTINGS IN ERROR.

The following days have been appointed for the argument of Errors and Appeals:—

QUEEN'S BENCH.

Friday, May 13. | Saturday, May 14.

COMMON PLEAS.

Monday, May 16.

EXCHEQUER OF PLEAS.

Tuesday, May 17. | Wednesday, May 18.

Births, Marriages, and Deaths.

BIRTHS.

COLLYER—On April 25, at 36 York-street, Portman-square, the wife of Andrew Alfred Collyer, Esq., of a son.

EVANS—On April 26, at Ridway-place, Wimbledon, the wife of William David Evans, Esq., of Lincoln's-inn, Barrister-at-Law, prematurely, of a still-born child.

HUGHES—On April 25, at Oak-villas, Haverstock-hill, Hampstead, Mrs. George Martin Hughes, of a daughter.

JOHNS—On April 23, at the Elms, Ringwood, the wife of H. Tremenheere Johns, Esq., of a son.

PRENTICE—On April 24, at 50 Doughty-street, the wife of Samuel Prentice, Esq., of a son.

TAYLOR—On April 24, at Lavender Sweep, Wandsworth, Laura, the wife of Tom Taylor, Esq., of a son.

TIDCOMBE—On April 21, at Crewkerne, Somersetshire, the wife of John James Tidcombe, Esq., of a son, stillborn.

MARRIAGES.

BEAUMONT—SCOTT—On April 20, at All Saints'-church, Wath-upon-Dearne, near Rotherham, by the Rev. H. Partington, Mr. John Alfred Beaumont, of this town, Solicitor, to Mary, youngest daughter of Mr. James Scott, of Highfield-house, Wath-upon-Dearne.

BOUSKELL—HARRIS—On April 27, at Quorndon, Leicestershire, by the Rev. John Bradshaw, vicar of Granby, Notts, uncle of the bride, assisted by the Rev. G. D'Urban Hough, curate of Dodderhill, Worcestershire, James Bouskell, Esq., of Leicester, Solicitor, to Rose Mary, second daughter of Samuel Harris, Esq., of Quorndon.

CREYKE—LYALL—On April 28, at the church of St. Mary Magdalen, Munster-square, Regent's-park, by his father, the venerable the Archdeacon of York, assisted by the Rev. Edward Stuart, incumbent, Alexander S. Creyke, Captain Royal Engineers, to Mayda Henrietta Edwardes, only child of the late John Edwardes Lyall, Esq., Advocate-General of Bengal.

RAMSHAY—HOLDSWORTH—On April 18, at the parish church, Hampstead, William, eldest surviving son of the late Christopher Ramshay, Esq., Solicitor, Exelby, Bedale, Yorkshire, to Elizabeth Minnitt, second daughter of Mr. James Holdsworth, of Kilburn, Middlesex.

ROBERTS—TWEEDIE—On April 26, at St. George's, Bloomsbury, by the Rev. John Hooper, vicar of Meopham, assisted by the Rev. Charles Cameron, cousin of the bridegroom, Thomas Archibald Roberts, of Lincoln's-inn, barrister-at-law, and of Llwynderw, Brecknockshire, to Myra Elizabeth, fourth daughter of Captain Michael Tweedie, Royal Artillery, of Roivenden, Kent, and granddaughter of the late Alexander Tweedie, of Quarter, Peebleshire.

STANLEY—FOSTER—On April 27, at St. George's, Hanover-square, by the Rev. J. Pullen, B.D., Sidney Stanley, A.M., of Corpus Christi College, Cambridge, and Lingstowe Hall, Cambridgeshire, to Sarah, eldest daughter of Edmond Foster, Esq., Cambridge.

DEATHS.

BRADBURY—On April 25, at her residence, near Leeds, aged 70, Deborah, relict of W. H. Bradbury, Esq., solicitor, Stourbridge.

COTTRELL—On April 17, at Chichester, in the 64th year of his age, John Cottrell, Esq., magistrate of that city.

DURHAM—On Feb. 9, at his residence, Carlton-place, Stoke Newington, after a short illness, Mr. Charles James Durham, aged 66, upwards of 40 years connected with the Chancery and Commission in Lunacy Offices.

ELLINGTHORPE—On April 17, aged 48, at Shorrock Hey, Pleasington, Jane, daughter of the late Richard Ellingthorpe, Esq., and sister of Mr. Ellithorpe, Solicitor, Blackburn.

HINES—On April 15, at Bishop Auckland, aged 68, Jane, widow of Joseph Hines, Esq., Solicitor.

HUNTER—On April 8, Eliza, wife of H. J. Hunter, Esq., of Gray's-inn, Barrister-at-Law, of pulmonary consumption.

PRENDERGAST—On April 25, at 7 Talbot-square, Sussex-gardens, Hannah Mary Elizabeth, the wife of Harris Prendergast, Esq., of Lincoln's-inn, Barrister-at-Law.

VINCENT—On April 20, at 4 Granville-park, Blackheath, Catherine Mary Anne, wife of John Vincent, Esq., of Lamb-building, Temple, and daughter of the late John Massey, Esq.

Heir at Law and Next of Kin.

Advertised for in the London Gazette.

BOUSFIELD, RICHARD PRITCHETT, who emigrated to Australia in 1852. His heirs to apply to Bolding & Simpson, Solicitors, 17 Gracechurch-street.

HICKS, JOSEPH, Innkeeper, Cock Public-house, Walthamstow, Essex (who died in or about July, 1856). Hicks *v.* Hicks, V. C. Kindersley. May 28.

HOLDEN, WILLIAM, Accountant, formerly of New City-chambers. His heirs

or representatives to send their address to John Thrupp, 3 Winchester-buildings, City.

Kelway, Henry, Apothecary, Saltash, Cornwall, but a resident of Plymouth. His relations to send, before May 31, their claims, clearly stating their degree of relationship, to Stephens, Prance, & Jago, Solicitors, Clerks to the Trustees, Plymouth.

Robinson, Richard, of Dublin, or his brother, James Robinson, the former of whom was trustee to the marriage settlement of Elizabeth Harricks, of May, 1822. His personal representative to communicate with J. C., Esq., 22, Ely-place, Dublin.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

Bouverie, James, Esq., Edwards-street, Portman-square, Reginald Bray, Esq., Great Russell-street, and Augustus Warren, Esq., jun., of the same place, £32 : 11 : 7 Consols.—Claimed by Reginald Bray, the survivor.

Gascoyne, Isaac, South Audley-street, deceased, One Dividend on £1,535 : 2 : 0 3½ per Cent. Reduced.—Claimed by Charlotte Elizabeth Campbell, Widow, the surviving executrix of Mary Gascoyne, Widow, deceased, who was the sole executrix of the said Isaac Gascoyne.

Glennie, Alexander, Esq., Aberdeen, deceased, One Dividend on £3,000 Consols.—Claimed by William Henderson and James Murray, the surviving executors.

L'Affan, Sir Joseph de Courcy, Bart., Dublin, Edward Fletcher, Merchant, King's Arms-yard, Charles Kerr, Esq., of the same place, and Charles Law, Esq., of the Bank, One Dividend on £2,000 Reduced 3 per Cents.—Claimed by Charles Kerr.

Taylor, Michael, Sculptor, York, deceased, One Dividend on £1,800 3½ per Cent. Ann.—Claimed by William Snowdon and Robert Edward Smithson, the surviving executors.

Vincent, Henry William, Esq., Lily-hill, Berks, and the Right Hon. Sir Thomas Francis Fremantle, Bart., Swanbourne, Bucks, £818 : 15 : 3 Reduced 3 per Cents.—Claimed by Henry William Vincent and Sir Thomas Francis Fremantle.

Wingrove, Martha, Widow, Brook, Hants, deceased, £100 Reduced, and £164 : 2 : 0 New 3 per Cents.—Claimed by Richard Townes Wingrove, surviving executor of Nicholas Tinmouth, deceased, who was the surviving executor of the said Martha Wingrove.

Wollaston, Charlton Byam, Esq., Shenton Hall, Leicestershire, deceased, One Dividend on £5,000 Reduced.—Claimed by Henry Frampton, one of the executors of Mary Frampton, Spinster, who was the sole executrix of the said Charlton Byam Wollaston.

Estate Exchange Report.

For the week ending April 21st, 1859.)

At the Mart.—By Messrs. Norton, Hoggart, & Trist.

Freehold Houses with Shops, Nos. 7 & 8, Gracechurch-street, in the City of London.—Sold for £6,600.

By Messrs. Abbott & Wrigglesworth.

The Advowson and Next Presentation to the Rectory of Everingham, in the County of York; annual value, £298; present incumbent, aged 51.—Sold for £1,310.

By Messrs. Foster.

Leasehold Dwelling-house, No. 9, Gillingham-street, Pimlico; term, 98 years from Midsummer, 1826; ground-rent, £5 per annum; let at £36 per annum.—Sold for £370.

Leasehold House and Shop, No. 5, Lower Porchester-street, Connaught-square, Hyde-park; term, 93½ years from December, 1827; ground-rent, £9 per annum; let at £56 per annum.—Sold for £675.

An Absolute Reversion to one single Share of £1,000 New Three per Cent. Annuities, receivable on the death of a lady now aged 67 years; also, a Reversion to one-sixth Share of £402 cash receivable on the death of the same person.—Sold for £95.

Ditto ditto, for a similar Share.—Sold for £95.

The Reversion to a Share of and in a Moiety of £3,000 invested on mortgage on Freehold Property at £4 per Cent. per annum.—Sold for £75.

By Mr. Henry Newson.

The Manor of Methwold and Methwold, in Hilgay, Norfolk; held on lease for a term which expires November, 1867, at £44 per annum.—Sold for £410.

By Mr. James Stevens.

Leasehold Residences, Nos. 1, 2, & 3, St. Dame's-terrace, Park-hill, Clapham-park; term, 45½ years unexpired; ground-rent, £22 : 7 : 6 per annum; estimated annual value, £105.—Sold for £830.

Leasehold Residence, No. 4, St. James's-terrace; let at £45 per annum; same term; ground-rent, £7 : 12 : 6 per annum.—Sold for £405.

By Messrs. Beadel & Sons.

Freehold Grass Land, Road-field, Galley-hill, near Ware, Herts, 7A. 2R. 22P.; let at £24 per annum.—Sold for £1,000.

Copyhold Public-house, The "Swan Inn," Barkway, Herts.—Sold for £100.

Copyhold Paddock and Pasture Land, Little Dalifax Close, Barkway.—Sold for £80.

Copyhold and Freehold Close of Grass Land, Barkway, 3A. 1R. 20P.—Sold for £250.

Freehold Close of Arable Land, Westow, near Baddock, 18 acres.—Sold for £1,320.

Freehold Close of Arable Land, Lower-green, Langley, Essex, 7A. 1R. 19P. Sold for £420.

By Mr. Newson.

Leasehold House and Shop, No. 12, Little Coram-street; term, 36 years from Midsummer, 1859; ground-rent, £7 : 7 : 0.—Sold for £145.

Leasehold Residence, No. 14, Marquess-road, Canonbury; term, 86½ years from Lady-day, 1859; ground-rent, £10; estimated value, £70 per annum.—Sold for £730.

English Funds.

English Funds.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	..	224½ 3	223 22	..	218	220 18
3 per Cent. Red. Ann...	..	92¼ 2	92½ ½	90¾ ¼	88 ⅝ ½	89½ ½
3 per Cent. Cons. Ann...	..	93⅛ 3	93½ 3½	91¾ 2½	89½ ¼	90 1 ½
New 3 per Cent. Ann...	..	92¼ ½	92½ 2	90¾ ¼	88 7½	89½ ⅜
New 2½ per Cent. Ann.	..	..	..	..	77	..
Long Ann. (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	..	17⅞	..	17½	..
India Stock	..	220	220 1	..	217	..
India Loan Debentures..	..	96 5½	95	..	92	..
India Bonds (£1,000) ..	..	..	..	5s p	..	..
Do. (under £1000)	..	..	..	..	..	..
Consols for account	..	93⅜ ½	93½ 3	91⅛	83⅜	90½ 9⅜
Exch. Bills (£1000) Mar.	..	35s 33s p	32s 36s p	30s 36s p	26 5s p	15s 20s p
Ditto June....	..	..	..	..	..	..
Exch. Bills (£500) Mar.	..	33 s p	32s 36s p	..	15s ⅛	..
Ditto June....	..	..	..	..	..	..
Exch. Bills (Small) Mar.	..	33s 32s p	36s p	..	10s 8s p	5 10s p
Ditto June	..	..	..	..	..	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Ditto (under £1,000) ..	..	..	..	..	..	..

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc..	Shut.	..	..	..	..	..
Bristol and Exeter	..	..	..	..	..	..
Caledonian.....	..	77 5½ 7	76¼ ⅜	76 4	73	76 69½
Chester and Holyhead..	..	..	..	..	..	..
East Anglian	..	..	..	14¼	..	14¼
Eastern Counties	..	55 5½	55½ ½	54¼ 4	51	54¼ 3 ⅜
Eastern Union A. Stock.	..	..	..	..	..	..
Ditto B. Stock	..	..	..	..	..	..
East Lancashire	..	89	..	87 8	85	87 6 5
Edinburgh and Glasgow	..	..	..	..	..	..
Edin. Perth, and Dundee	..	..	25⅜	..	..	..
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	..	97⅛ 8	98¼ 9	96	96	96 7
Ditto A. Stock	..	81	82½	..	79 7	82 80
Ditto B. Stock	..	..	130½ 30	128	..	128
Gt. South & West. (Ire.)	..	..	..	..	..	..
Great Western	..	55½ 5	55½ 5 ⅜	53¾ 3 ¼	52⅜ 50	53⅜ 53¼
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	..	90½ 90	90⅝	88½ 7	..	88¼ 6 7
Lon. Brighton & S. Coast	..	107 8	107 8 ½	107 6	104½ 5½	107 5½
London & North-Wstrn..	..	92 90½	91½ ⅜	89	84 6 5	89 5 8
London & South-Westrn.	..	90 89½	90 89½	86 8	..	86 7 5
Man. Sheff. & Lincoln..	..	36½ ⅜	37 6⅝	..	..	34
Midland	..	99 8½	98½ ½	95½ 6½	93 2⅝ 4	95¼ 7½
Ditto Birm. & Derby	..	..	..	..	62⅜	62⅜
Norfolk	..	..	..	..	..	..
North British	..	54¼ 3	53¾ ⅜	51½ 2½	50	51½ 2½
North-Eastern (Brwck.)	..	88¼ 7½	85¼ ⅜	84 5 4	82 4	84 3½
Ditto Leeds	..	..	43	42	..	42 1 2
Ditto York	..	72½ ⅜	71 2	70½ 1	68 70	70½ 71½
North London	..	..	..	..	..	..
Oxford, Worc. & Wolver.	..	31⅜	..	..	28	28
Scottish Central	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	..	..	..	..	..
Do. Scotsh. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	..	..	..	..	..	..
South Devon	..	43	..	..	..	..
South-Eastern	..	..	64¼ ½	63 2½ 2	60 1	63
South Wales	..	64½	..	..	..	..
Vale of Neath	..	..	..	62	..	62

London Gazettes.

New Members of Parliament.

Friday, *April* 29.

Borough of Lambeth.—William Williams, Esq.; William Roupell, Esq.

City of Westminster.—General Sir De Lacy Evans, G.C.B.; Sir John Villiers Shelley, Bart.

Borough of Marylebone.—Edwin John James, Esq., Q.C.; the Right Hon. Sir Benjamin Hall, Bart.

Professional Partnership Dissolved.

Tuesday, *April* 26, 1859.

Clarke, Edward Salmon, & Joseph Harris, Solicitors, Bishopsgate-churchyard, by mutual consent, April 16.

Commissioner to administer Oaths in Chancery.

Friday, *April* 22, 1859.

Brace, Thomas, Gent., 9 Chandos-st., Cavendish-sq.

Perpetual Commissioners for taking the Acknowledgments of Married Women.

TUESDAY, *April* 26, 1859.

CHARSLEY, GEORGE ALLINGTON, Gent., Beaconsfield, Bucks; for the county of Buckingham.

LEWIS, JOHN PROTHERO, Gent., Llandilo, Carmarthen; for the county of Carmarthen.

Bankrupts.

FRIDAY, *April* 22, 1859.

BENTON, MARK, & JOHN BENTON, Builders, Leeds (M. & J. Benton). *Com.* West: May 6 and June 3, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Young. *Sols.* Bond & Barwick, Leeds. *Pet.* April 20.

BLACKBURN, RICHARD, Tailor, 54 London-wall, and 13 Spencer-rd., Stoke Newington. *Com.* Evans: May 5 and June 2, at 12; Basinghall-st. *Off. Ass.* Johnson. *Sol.* Watson, 27 Worship-st., Finsbury. *Pet.* April 20.

CASPER, ISAAC GEORGE, Shoe Manufacturer, The Close, Norwich (G. Casper & Co.) *Com.* Evans: May 6 and June 2, at 1; Basinghall-st. *Off. Ass.* Johnson. *Sols.* J. & S. Solomon, 22 Finsbury-pl. *Pet.* April 20.

LATCH, JOHN, Ship Broker, Bristol, in copartnership with James Nelson Knapp & Sydney Dan Jenkins, at Cardiff and Newport, Monmouthshire. *Com.* Hillc May 3 and June 6, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Batchelor, Newport; or Bevan & Girling, Bristol. *Pet.* April 7.

STOTHARD, JOHN HUTCHINSON, Saddler, Swinefleet, Yorkshire. *Com.* Ayrton; May 10 and June 6, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Hope. *Sols.* Weddall & Parker, Selby; or Bond & Barwick, Leeds. *Pet.* April 19.

WILLSHER, WILLIAM, Licensed Victualler, George Inn, Maidstone. *Com.* Evans: May 5, at 11; and June 2, at 2; Basinghall-st. *Off. Ass.* Bell. *Sols.* Palmer, Palmer, & Bull, Bedford-row; or Joslen, Maidstone. *Pet.* April 18.

WYNN, WILLIAM NATHANIEL, Auctioneer, 3 Thornton-row, Greenwich. *Com.* Fane: May 6, at 12; and June 3, at 11; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Davidson, Bradbury, & Hardwick, 22 Basinghall-st. *Pet.* April 21.

TUESDAY, *April* 26, 1859.

BIRKS, HERBERT, Grocer, Sheffield. *Com.* West: May 7 and June 11, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Smith & Burdekin, Sheffield.

HICKS, HENRY, Glass Cutter, 32 King David-lane, Shadwell (in copartnership with Leopold Ettling). *Com.* Fane: May 5, at 11; and June 3, at 11.30; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Richardson & Sadler, 15 Old Jewry-chambers. *Pet.* April 13.

FRIDAY, *April* 29.

BEALE, MILES, Iron & Brass Founder, St. Leonards Iron Works, Poplar (Roberts & Co.), and also 15 Surrey-st., Strand (Goode & Co.). *Com.* Holroyd: May 10, at 11, and June 14, at 2; Basinghall-st. *Off. Ass.* Lee. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* April 27.

BODGER, JOHN, Eating-house Keeper, 8 & 9 Gresham-st. *Com.* Evans: May 7, at 11, and June 9, at 12; Basinghall-st. *Off. Ass.* Bell. *Sol.* Munday, 6 Essex-st., Strand. *Pet.* April 27.

HODD, JAMES, & JOHN GILE, Ironmongers, 127 London-rd., Southwark. *Com.* Holroyd: May 10, at 2, and June 14, at 1; Basinghall-st. *Off. Ass.* Edwards. *Sols.* Pocock & Poole, 56 Bartholomew-close. *Pet.* April 28.

NEED, CHARLES THOMAS, Boot & Shoe Maker, 93 Whitechapel-rd. *Com.* Goulburn: May 11, at 1; June 13, at 11; Basinghall-st. *Off. Ass.* Nicholson. *Sols.* Harrison & Lewis, 6 Old Jewry. *Pet.* April 28.

OAK, WILLIAM COVENTRY, & CHARLES HASTINGS SNOW, Bankers, Blandford Forum, Dorset. May 21, at 12; Basinghall-st.; offer of composition.

OWEN, THOMAS, Draper, Wednesbury. *Com.* Sanders: May 9 & 30, at 11; Birmingham. *Off. Ass.* Kinnear. *Sol.* Smith, Birmingham. *Pet.* April 27.

PETERS, JASPER, HALE PAYNE, & JOHN GOODMAN, Leather Merchants, Northampton. *Com.* Fonblanque: May 11, at 1; and June 10, at 12; Basinghall-st. *Off. Ass.* Stansfeld. *Sol.* Bousfield, 14a Philpot-lane, London. *Pet.* April 23.

PRIEST, WILLIAM, Shipowner, Wilton, Yorkshire. *Com.* Ayrton: May 25, and June 15, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* Earnshaw, Lightfoot, & Frankish, Kingston-upon-Hull. *Pet.* April 20.

SMART, JOHN, Clog Manufacturer, Birmingham. *Com.* Sanders: May 12, and June 2, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* James & Knight, and Standbridge, Birmingham. *Pet.* April 27.

BANKRUPTCY ANNULLED.

FRIDAY, *April* 22, 1859.

MANLEY, JOHN, Miller, Exwick, near Exeter. Feb. 17.

MEETINGS FOR PROOF OF DEBTS.

FRIDAY, *April* 22, 1859.

CAMERON, HUGH INNES, Sheep Salesman, 1 Hyde-park-gate, Kensington-gore. May 5, at 12; Basinghall-st.

CARMICHAEL, JOHN, Merchant, Liverpool. May 5, at 12; Liverpool.

FRANCIS, CHARLES JAMES, & HENRY FREER. Wine Merchants, 15 & 17 Great St. Helen's. May 3, at 12; Basinghall-st. (by adj. from Mar. 24.)

HUGHES, DAVID, Grocer, Tredegar, Monmouthshire. May 26, at 11; Bristol.

KNAPP, ALFRED, & ENOCH DAVIES, Builders, Newport, Monmouthshire. May 26, at 11; Bristol.

SIDDEN, SAMUEL, Contractor, Milbank-st., Westminster, late of Rochester. May 16, at 11; Basinghall-st.

SHAW, JOHN, Machine Maker, Dukinfield, Cheshire. May 20, at 12; Manchester.

SMITH, DAVID, Corn Factor, Sheffield. May 14, at 10; Sheffield.

SMITH, HENRY JOSEPH, Coal Master, Sheffield. May 14, at 10; Sheffield.

WEARNE, HENRY, Woollen Warehouseman, 74 Piccadilly. May 13, at 12.30; Basinghall-st.

TUESDAY, *April* 26, 1859.

BLUNT, JOSEPH, Money Scrivener, formerly of 42 Lothbury, then of 3 Winchester-buildings, and now of 13 Austin Friars. May 18, at 12.30; Basinghall-st.

HARRISON, ROBERT, JAMES KIERO WATSON, & HENRY PEASE, Bankers, Kingston-upon-Hull (Harrison, Watson, & Co.); sep. est. of each. May 25, at 12; Town-hall, Kingston-upon-Hull.

JOBSON, THOMAS, Ship Owner, West Hartlepool. May 10, at 11.30; Newcastle-upon-Tyne.

MORROW, ROBERT, JOHN MORROW, & JOHN CLARKSON GARBUTT, Merchants, Liverpool. May 19, at 11; Liverpool.

SEATON, RICHARD, Draper, Birmingham. May 5, at 11; Birmingham (previously adjourned sine die).

FRIDAY, *April* 29, 1859.

BROWN, WILLIAM, Builder, Whitehaven. May 26, at 12; Newcastle-upon-Tyne.

CROW, THOMAS, Painter, Bridge-st., Berwick-upon-Tweed. May 25, at 11.30; Newcastle-upon-Tyne.

HOWARD, FREDERICK JAMES, Grocer, 84 High-st., Chatham. May 20, at 2.30; Basinghall-st.

KEETLY, ROBERT, Ship Builder, Great Grimsby. May 25, at 12; Kingston-upon-Hull.

OPPENHEIM, SIMON LAZARUS, Merchant, 10 Broad-st.-bldgs. May 20, at 1; Basinghall-st.

MASTERS, WALTER BOUTCHER, Draper, Hackney-rd. May 20, at 1; Basinghall-st.

MABBS, ROBERT, Milkman, Upper-st., Islington. May 20, at 2; Basinghall-st.

TURFERY, FRANCIS, Brewer, Abergavenny. May 26, at 11; Bristol.

WESTROP, JOHN KING, Glove Manufacturer, Staining-lane. May 9, at 1; Basinghall-st.; for proof of a debt by Messrs. Bide & Co.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

FRIDAY, *April* 22, 1859.

BAXTER, JOSEPH, Builder, Gooch-st., Birmingham. May 27, at 11; Birmingham.

COOK, WILLIAM, sen., Farmer, Great Harrowden, Northamptonshire. May 13, at 11; Basinghall-st.

CORNISH, WILLIAM, & ANDREW CORNISH, Builders, Birmingham. May 30, at 11; Birmingham.

FOLKARD, FRANCIS, Builder, East Bergholt, Suffolk. May 16, at 1.30; Basinghall-st.

FORAN, PETER, Grocer, Birmingham. May 27, at 11; Birmingham.

HOWARD, JAMES, Grocer, 84 High-st., Chatham. May 14, at 12.30; Basinghall-st.

HUGHES, THOMAS, Cattle Dealer, Tyddyn-du, Carnarvonshire. May 13, at 12; Liverpool.

JENNINGS, WILLIAM, Builder, Rochester. May 13, at 1; Basinghall-st.

MANNION, WILLIAM, Currier, Liverpool. May 13, at 11; Liverpool.

MELEN, JOHN ALFRED, Tobacconist, 215 High-st., Shoreditch. May 13, at 12; Basinghall-st.

TUESDAY, *April* 26, 1859.

CHINERY, DAVID, African Merchant, 4 Ampton-pl., Gray's-inn-rd. May 20 at 11.30; Basinghall-st.

DUFF, CHARLES, Printer, 103 Cheapside, and 3 Freeman's-ct., Cheapside (Hays, Duff, & Co.) May 20, at 11; Basinghall-st.

HAYS, WILLIAM IVERY, Printer, 104 Cheapside and 3 Freeman's-ct., Cheapside (Hays, Duff, & Co.) May 20, at 11; Basinghall-st.

HOYLES, EDWARD, Grocer, Coningsby, Lincolnshire. June 1, at 12; Kingston-upon-Hull.

HUGGINS, FRANCIS WITTON, & CHARLES WITTON HUGGINS, Wine and Spirit Merchants, Derby. May 31, at 11; Nottingham.

LACEY, EDWARD, Maltster, Horwick, Derbyshire, heretofore of Birmingham. May 18, at 12; Manchester.

METCALFE, ALFRED, Draper, Bridlington, Yorkshire. June 1, at 12; Kingston-upon-Hull.

RUSSELL, SAMUEL, Engraver, 3 Darnley-ter., Gravesend. May 19, at 1; Basinghall-st.

UNWIN, EDWIN FREDERICK, Hosier, 164 Strand. May 19, at 2.30; Basinghall-st.

WHEELER, ROBERT, Oil & Colourman, 58 Crawford-st., Bryanstone-sq. May 19, at 11; Basinghall-st.

WOMERSLEY, GEORGE, Hatter, Derby. May 31, at 11; Nottingham.

FRIDAY, *April* 29, 1859.

ASPINALL, JOHN HUTCHINSON, Merchant, lately residing at Moulmein, East Indies, now of 5 Argyle-st. (Aspinall, Otto, & Co.) May 24, at 1.30; Basinghall-st.

BOULD, WILLIAM, Boot & Shoe Maker, Wolverhampton. May 27, at 11; Birmingham.

BENDEL, JOHN WESTON, Carman, 11 Well-st., Wellclose-sq., London Docks, and 13 John-st., Minories. May 24, at 12.30; Basinghall-st.

COLLINS, JOHN, Plumber, Beccles, Suffolk. May 23, at 11; Basinghall-st.

ELSON, WILLIAM, Brickmaker, Hartley Wintney, and Elvetham, Southampton. May 23, at 1.30; Basinghall-st.

GOODMAN, WILLIAM, Leather Merchant, Birmingham. May 27, at 11; Birmingham.

GREGORY, WILLIAM JOLIFFE, Innkeeper, Kingsweston, Somerset. May 30, at 11; Bristol.

LIVINGSTON, JAMES, Merchant, Liverpool. May 20, at 11; Liverpool.

MABBS, ROBERT, Milkman, Upper-st., Islington. May 20, at 1.30; Basinghall-st.

TEBBUT, JAMES, jun., Cattle Dealer, Yeading, Hayes, Middlesex. May 23, at 12.30; Basinghall-st.

WILLIAMS, WILLIAM, Grocer, 122 Commercial-st., Newport, Monmouthshire. May 31, at 11; Bristol.

To be DELIVERED, *unless* APPEAL *be duly entered.*

FRIDAY, *April* 22, 1859.

CHAFFER, THOMAS, & BENJAMIN CHAFFER, Stone Merchants, Liverpool (Thomas & Benjamin Chaffer). April 18, 2nd class to each, subject to a suspension of 3 months.

CHRISMAS, TILDEN, Coal Merchant, Sheerness, and 6 Scrayfries-ter., New Brompton. April 15, 2nd class.

GALLIENNE, GEORGE, Cutler, 71 Goswell-st. April 13, 1st class.

GOMBERT, CHARLES, Milliner, 30 Duke-st., Manchester-sq. April 16, 3rd class.

GREENACRE, WILLIAM, & GEORGE ROBERTS, Drapers, 216 Oxford-st. April 15, 2nd class.

GROVES, HENRY JOHN, Music Seller, Newport, Monmouth. April 19, 1st class.
JONES, PHILLIP, Waterloo-house, Mynyl allwyn, Monmouthshire. April 19, 2nd class.
NEVILLE, JOSIAH HENRY, Currier, Northampton. April 15, 2nd class.
TARLETON, JOHN COLLINGWOOD, Shipowner, Rhyl. April 14, 2nd class.

TUESDAY, *April* 26, 1859.

BARON, THOMAS, Printer, 39 Sloane-sq., Chelsea. April 21, 2nd class.
JENNINGS, WILLIAM, Lace Dressers, Sneinton, Nottinghamshire. April 19, 3rd class.
JONES, WILLIAM BUCKLEY, & HENRY DERMOT DEMPSEY, Ship Builders, Liverpool (W. B. Jones & Co.) April 19, 2nd class.
LEAKE, JOHN, Wine & Spirit Merchant, Newark-upon-Trent, Nottinghamshire. April 19, 1st class.
WOOD, HENRY, Baker, Long Eaton, Derbyshire. April 19, 2nd class.

FRIDAY, *April* 29, 1859.

COLEMAN, CHARLES MEADS, Farmer, Foleshill, Warwickshire. April 21, 2nd class.
HOLLINGTON, FRANCIS, Draper, Worcester. April 21, 3rd class.
PEARSE, JOHN, Licensed Victualler, Worcester. April 21, 2nd class.

Assignments for Benefit of Creditors.

FRIDAY, *April* 22, 1859.

CARVER, WILLIAM CROLE, Gent., Melbourn, Cambridgeshire. April 1. *Trustees*, H. Fordham, Banker, Royston; W. T. B. Crole, Farmer, Kneesworth, Cambridgeshire. Creditors to execute on or before July 1. *Sol.* Thurnall, Royston.
DAVIES, WILLIAM, Glass & China Dealer, 112 Aldersgate-st. April 5. *Trustees*, J. Sparks, China Merchant, Thavies-inn; G. F. Bowers, China Manufacturer, Tunstall, Stafford. *Sol.* Cattlin, 22 Ely-pl., Holborn.
RAWLINGS, WILLIAM, Flour Dealer, Peterborough. Mar. 24. *Trustees*, W. Gibson, Baker, Peterborough; B. C. Steel, Corn Factor, Holland-st., Blackfriars. Creditors to execute before June 24. *Sols.* Wyman, and Maples, sen., Peterborough.

TUESDAY, *April* 26, 1859.

ANSLOW, THOMAS, Timber Merchant, Marlborough-st., Blackfriars-rd April 2. *Trustee*, C. Hoar, Timber Merchant, Billiter-st. *Sol.* Quick, 27 Ely-pl.
JONES, ELIAS, Draper, Llanfairtalhaiarn, Denbighshire. Mar. 31. *Trustees*, R. Davies, Surgeon, Llanfairtalhaiarn; H. Humphreys, Victualler, Llanfairtalhaiarn. Creditors to execute on or before June 31. *Sol.* Humphreys, Glanafon, St. Asaph.
REID, HUGH, sen., & HUGH REID, jun., Plumbers, 32 Queen-st., Liverpool. April 9. *Trustee*, W. Webb, Accountant, Liverpool. *Sols.* Thornely & Jevons, 5 Fenwick-st., Liverpool.
SMITH, CHARLES, Grocer, High-st., Winchester. April 2. *Trustees*, C. J. Phillips, Provision Factor, Southampton; J. K. Youlden, Bank Manager, Winchester. *Sol.* Faithfull, Winchester.

FRIDAY, *April* 29, 1859.

DICKENS, STEPHEN, Baker, Crab's Cross, Fakenham, Worcestershire. April 23. *Trustees*, S. Gunn, Miller, Welford, Gloucestershire; A. Burrowes, Miller, Broom, Warwickshire. *Sol.* Jones, Alcester.
HOLME, JOHN, Timber Broker, Birkenhead (Holme & Slater). April 6. *Trustee*, H. W. Banner, Accountant, Rock-pk., Chester. *Sol.* Whitley, Liverpool.
MORRIS, JAMES, Builder, Providence-pl., New Kent-road. April 15. *Trustees*, J. E. Ward, Mahogany Merchant, Oxford-st.; R. May, Timber Merchant, Acorn Wharf, Old Kent-rd. *Sol.* May, 2 Adelaide-pl.
ORMAN, ROBERT, Builder, Ipswich. April 12. *Trustees*, J. Fox, Auctioneer, Ipswich; E. Fison, Merchant, Stowmarket. *Sols.* Eisdell, and Josselyn, Ipswich.
RIMRON, NICHOLAS, Limeburner, Leckwith, Glamorganshire. April 16. *Trustees*, J. Williams, Ironmonger, Cardiff; C. Ellis, Seedsman, Cardiff. *Sol.* Spencer, Cardiff.
ROWLEY, THOMAS, Machine Owner, Wyken, Salop. April 13. *Trustees*, J. Painter, Blacksmith, Wyken; R. Jones, Carpenter, Muxon, Salop. Creditors to execute before July 13. *Sol.* Hardwick, Bridgnorth.
SMYTH, HENRY, Wholesale Draper, Nottingham. April 19. *Trustees*, F. Taylor, Merchant, Manchester; T. L. Acton, Banker's Clerk, Nottinghamshire. Creditors to execute before July 19. *Sol.* Johnson, Nottingham.
WEEKLEY, WILLIAM COOPER, Bookseller, Cambridge. April 7. *Trustees*, J. R. Mann, Auctioneer, Cambridge; G. A. H. Dean, Bookseller, Ludgate-hill. *Sol.* Palmer, Cambridge.

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, *April* 22, 1859.

BANKS, SAMUEL, Corn & Coal Merchant, Westleigh, Lancashire (who died in or about June, 1857). Banks *v.* Banks, V. C. Stuart. May 27.
BOOTH, JOSEPH, Esq., Drayton-villa, Winchmore-hill, Middlesex (who died in or about Nov., 1852). Gibbons *v.* Gibbons, V. C. Kindersley. May 28.
BROWNE, DOMINICK, Esq., Browne-hall, co. Mayo, late of Boulogne-sur-Mer, France, Lieut.-Colonel of the South Mayo Regiment of Militia (who died in or about Jan., 1853). Combaz *v.* Hardey, Hardey *v.* Browne, and Hardey *v.* Browne, M. R. May 31.
COX, JOHN, Coal Master, Stallings, Staffordshire (who died on Feb. 26, 1858). Meredith *v.* Cox, M. R. May 26.
HINTON, EDWARD, Gent., Much Wenlock, Salop (who died on or about Mar. 8, 1856). M. R. May 28.
JOHN, THOMAS, Farmer, Newton Nottage, Glamorganshire (who died on or about Dec. 20, 1858). Griffiths *v.* John, M. R. May 26.
LILLWOOD, GEORGE, Gent., Little Bolton, Lancashire (who died in or about 1823). Varley *v.* Gradwell, M. R. May 25.
WYCHERLEY, HENRY, Trainer, Epsom Downs, Surrey (who died in or about Jan., 1856). Evans *v.* Wycherley, V. C. Wood. May 5.

TUESDAY, *April* 26, 1859.

BEAL, RICHARD, Minster, Kent (who died in or about the year 1826). Bromley *v.* Beal, M. R. June 1.
HOOPER, WILLIAM HENRY, Gent., Litfield-villa, Clifton, Bristol (who died on or about Sept. 5, 1858). Hooper *v.* Hooper & others, V. C. Stuart. May 27.
JOULE, JOHN, Esq., Medford, Staffordshire (who died in or about the month of May, 1858). Joule *v.* Joule, M. R. May 27.
LONG, JOHN THOMAS, Plasterer, 10 Eli-st., Kingsland-rd. (who died in or about the month of May, 1858). Low *v.* Green, M. R. May 25.
NICKLIN, BENJAMIN, Furnace Builder, Tipton, Staffordshire (who died in or about the month of Oct., 1852). Nicklin *v.* Whitehouse & another, V. C. Stuart. June 2.
OAKMAN, JAMES, Gent., Wimbledon (who died in or about the month of Jan., 1856). Atchley *v.* Oakman, M. R. May 28.
ROWDON, JOHN, Gent., formerly of Mincing-lane, London, afterwards of Anstey, Alton, Southampton, and late of 2 Craven-pl., Paddington (who died in or about the month of Jan., 1856). Hutchins *v.* Rowdon, V. C. Stuart. May 25.
TREDWEN, RICHARD, Ship Builder, Cardiff (who died in or about the month of June, 1857). Tredwen *v.* Hodge, M. R. May 25.

FRIDAY, *April* 29, 1859.

BAKER, JOHN, Miller, Barnwell St. Andrew, Northamptonshire (who died in or about the month of Nov., 1858). Eland & another *v.* Baker, M.R. June 1.
COOPER, ELEANOR, Melksham, Wilts (who died in or about the month of Aug., 1843). Clarke *v.* Bruges, V. C. Stuart. May 14.
FISHER, LOUISA, Spinster, Highfield, Southampton (who died on or about June 8, 1856). Fisher *v.* Alleyne, M.R. May 27.
KERRISON, CAROLINE, wife of William Kerrison, Brewer, Bath, Somerton. Gordon *v.* Lowe, Holl *v.* Gordon, M.R. May 27.
KURTZ, HENRY, Baker, East India Lock-rd., Poplar (who died in or about the month of Dec., 1856). Kurtz *v.* Kurtz, V. C. Kindersley. May 28.
MORRIS, CATHERINE (wife of Walter Morris), Linen Draper, Bath (who died in 1840), and MARTHA WOOD (wife of William Wood), Carlisle (who died in 1839), both nieces of John Mandell, Gent., Southampton-pl., St. Pancras (who died in 1809.) Taylor and others *v.* Jameson, M. R. June 9.
PUNG, THOMAS, Gent., Bulmer, Essex (who died in or about the month of Nov., 1850). Allen *v.* Badham and others, V. C. Wood. May 26.
SMITH, JOHN, Grocer, 9 Lower King-st., Commercial-rd. East (who died in or about the month of Aug., 1858). Grant *v.* Young, V. C. Kindersley. May 28.

Windings-up of Joint Stock Companies.

FRIDAY, *April* 22, 1859.

LIMITED, IN BANKRUPTCY.

WEST HAM DISTILLERY COMPANY (LIMITED).—Pet. Dec. 22; ordered to be wound up, Feb. 11. Mr. Com. Fane will, on May 5, at 11, audit the accounts.

TUESDAY, *April* 26, 1859.

UNLIMITED, IN CHANCERY.

BRITISH COLONIAL AND FOREIGN SUGAR COMPANY.—V. C. Kindersley has appointed Frederick Whinney, Accountant, 5 Serle-st., Lincoln's-inn, Official Manager of this Company. April 14.
CAE CYNON MINING COMPANY.—The Master of the Rolls has appointed Robert Palmer Harding, Accountant, 5 Serle-st., Lincoln's-inn, Official Manager of this Company. April 13.

FRIDAY, *April* 29, 1859.

UNLIMITED, IN CHANCERY.

DHURODE COPPER MINING COMPANY.—The Master of the Rolls has appointed Mr. William Henry M'Creight, of Gray's-inn, to be Official Manager of this Company.
NATIONAL ALLIANCE ASSURANCE COMPANY.—V. C. Wood has appointed Robert Palmer Harding, of 5 Serle-st., Lincoln's-inn, to be the Official Manager of this Company. May 10, at 12; meeting to appoint one or more person or persons, other than the Official Manager, to represent all the creditors of the said Company.

Scotch Sequestrations.

FRIDAY, *April* 22, 1859.

ANDERSON, ALEXANDER, Tavern Keeper, 46 North-bridge, Edinburgh. April 29, at 1; Crown-hotel, Princes-st., Edinburgh. *Seq.* April 20.
BROWN, THOMAS, Flesher & Cattle Dealer, High-st., Glasgow. May 2, at 1; Faculty-hall, St. George's-pl., Glasgow. *Seq.* April 20.
GUNN, GEORGE, Farmer, Rhives and Achmore, Sutherlandshire, deceased. April 28, at 11; Hill's-hotel, Golspie. *Seq.* April 19.
HAMILTON, WILLIAM, Wright & Joiner, Holytown. April 27, at 12; Faculty or Procurators'-hall, St. George's-pl., Glasgow. *Seq.* April 16.
KELT, ALEXANDER, Watch Maker, Murray-gate, Dundee. April 27, at 11; British-hotel, Dundee. *Seq.* April 15.
SMITH, WILLIAM, Fruit Dealer, Bazaar, Glasgow. April 26, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* April 18.

TUESDAY, *April* 26, 1859.

BENNET, JAMES, Grocer, Lanark. May 4, at 1; Clydesdale-hotel, Lanark. *Seq.* April 21.
BROWN & AUSTIN, Nurserymen, Glasgow, and at Cumbrae, ALEXANDER BROWN, Nurseryman, South Portland-st., Glasgow, and ROBERT BROWN, Nurseryman, Cumberland-st., Glasgow. May 2, at 12; Faculty or Procurators'-hall, St. George's-pl., Glasgow. *Seq.* April 20.
KIDD, JOHN, Commission Merchant, Leith, now deceased. May 4, at 3; Cay & Black's Rooms, 65 George-st., Edinburgh. *Seq.* April 23.
KING, THOMAS, Clock & Watch Maker, Argyle-st., Glasgow. May 4, at 2; Faculty-hall, St. George's-pl., Glasgow. *Seq.* April 23.
PATERSON, JAMES, & Co., & PETER FLECK (sole individual partner), Bonded & Free Store Keepers, Glasgow. May 3, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* April 21.
WALKER & SONS, Grain & Provision Merchants, Glasgow. May 2, at 2; Faculty-hall, St. George's-pl., Glasgow. *Seq.* April 20.
WARD, NICHOLAS, Railway Contractor, Parkhouse, Ayr. May 4, at 1; Commercial-hotel, Ayr. *Seq.* April 22.

FRIDAY, *April* 29, 1859.

DICKIE, THOMAS, Grocer, Alva. May 6, at 1; Golden Lion-hotel, Stirling. *Seq.* April 25.
TRAIN, THOMAS, Cattle Salesman, Glasgow. May 5, at 12; Faculty-hall, St. George's-pl., Glasgow.
WEBSTER, ALEXANDER, Spirit Dealer, Aberdeen. May 5, at 2; Douglas's-hotel, Market-st., Aberdeen. *Seq.* April 25.